

OD-5

ORDER SHEET
WPO No.476 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAPTARSHI BOSE
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 24th May, 2024.

Appearance:
Mr. Sumitava Chakraborty Adv.
Ms. Bratati Pramanick, Adv.
... for the Petitioner.

Mr. Sandipan Banerjee, Adv.
Ms. Manisha Nath, Adv.
...for KMC.

Mr. Sayan Ganguly, Adv.
....for the State.

The Court:- The petitioner complains of illegal and unauthorized construction at 3/51, Viveknagar, Ward No.104 under Borough-XI of the Kolkata Municipal Corporation.

According to the petitioner a G+II storied structure has been constructed in an absolutely illegal manner without obtaining any sanction from the Corporation. A complaint has been lodged before the Corporation but the same is alleged to be kept pending.

None represents the private respondents.

Learned advocate representing the Corporation produces instruction forwarded by the engineers of the Corporation signed on 20th May, 2024 which mentions that an inspection was carried out to ascertain the nature and extent of unauthorized construction. It was found that a three storied residential building with garage exists at present. Certain repairing and renovation work was going on and interior design by wooden materials and shifting of electrical boxes which does not require permission was being made. No new construction has been found. Owner of the property has been directed to produce document in support of the construction that has been made.

It appears from the submissions made on behalf of the parties that the Corporation has already taken note of the complaint lodged by the petitioner and sought for document from the owner in support of the construction made.

In view of the order that I propose to pass, none of the non-appearing respondents will be prejudiced if the writ petition is disposed of in the following manner.

The Executive Engineer is directed to consider and dispose of the representation that has been filed by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties for production of documents in support of their respective stand at the earliest but positively within a period of twelve weeks from the date of communication of this order. If it ultimately transpires that there is an act of unauthorized construction, then necessary steps shall be taken to deal with the same, in accordance with law.

Report filed by Officer-in-Charge, Garfa Police Station signed on 20th May, 2024 and the report of the engineers of the Corporation dated 20th May, 2024 be retained with the records.

The writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)