

ORDER SHEET

WPO/482/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ANJU ROY
Vs
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 30th July, 2024.

Appearance:
Mr. Amit Gupta, Adv.
Ms. Debangana Dey Nayak, Adv.
...for the petitioner

Mr. Gopal Ch. Das, Adv.
...for KMC

The Court: By filing this writ petition, the writ petitioner seeks to implement an order dated July 14, 2023 passed in WPO/1384/2023 (*Anju Roy vs. The Kolkata Municipal Corporation and Ors.*). The operative part of the order dated July 14, 2023 is quoted below:

“On detection of the unauthorized construction at the subject premises, the Corporation issued stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 and to deal with such unauthorised construction, proceeding under Section 400(1) is underway before the Special Officer (Building).

Presently, the petitioner seeks for a direction upon the Executive Engineer of the concerned Borough to consider her prayer for

installing windows, doors, electrical wiring and for setting up the main gate at the subject premises. The said application was made on 28.04.2023 and the same is pending consideration till date.

Learned advocate representing the Corporation submits that as stop work notice was issued, accordingly, the petitioner cannot be permitted to make any type of construction at this stage.

In response to the submission made by the learned advocate representing the Corporation, learned advocate representing the petitioner submits that for fixing the doors, windows and for making the electrical wiring, no permission is required under the existing Rules of the Corporation.

Without entering into the merits of the claim and counter claim of the parties, as it appears that the Special Officer (Building) is in seisin over the proceeding under Section 400(1) of the Act, accordingly, leave is granted to the petitioner to approach the said authority with her prayer.

In the event the Special Officer (Building) is of the opinion that sanction/permission is required to be obtained from the concerned Executive Engineer, then the Special Officer (Building) shall forward the representation of the petitioner before the Executive Engineer for taking a decision in the matter.

Special Officer (Building) shall endeavour to conclude the proceeding pending before him at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Special Officer (Building), however, shall take a decision with regard to the prayer of the petitioner for fixing up doors and windows and for making electrical wiring at the earliest but positively within a period of four weeks from the date of filing of the representation.

Writ petition stands disposed of.”

The Corporation submits that the order dated July 14, 2023 shall be complied with within a short period of time by the Special Officer (Building).

In view of the aforesaid facts, I dispose of this writ petition with a direction upon the Special Officer (Building), Kolkata Municipal Corporation to comply with the order dated 14th July, 2023 within a period of one month from the date of communication of this order.

Accordingly, WPO/482/2024 is disposed of.

(KAUSIK CHANDA, J.)

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