

OD-17

ORDER SHEET

WPO/575 /2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

DEBASISH BANERJEE
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 4th December, 2024.

Appearance:

Mr. T.K. Dey, Adv.

.. for the petitioner.

Mr. Manik Lal Poddar, Adv

...for the respondent nos 6 & 7.

Mr. F. Haque, Adv.

Mr. Swapan Kumar Debnath, Adv.

... for the KMC.

Mr. Debangshu Dinda, Adv.

... for the state.

Mr. Arnab Ray,

... special officer

The Court: The petitioner has alleged unauthorized construction at premises No. 18F, Raja Rajballav Street, Kolkata 700 003, purportedly at the behest of respondent Nos. 6 and 7.

The primary allegation of the writ petitioner is that respondent Nos. 6 and 7 have constructed an additional floor beyond the sanctioned plan and have encroached upon a part of premises No. 18E, Raja Rajballav Street,

Kolkata 700 003. This Court appointed a Special Officer to inspect the premises and verify the petitioner's allegations.

The Special Officer has submitted his report, a copy of which has been circulated among the parties. According to the Special Officer's report, respondent Nos. 6 and 7 have not encroached upon any part of premises No. 18E, Raja Rajballav Street, Kolkata 700 003. However, the report indicates that the respondents have made some internal deviations from the sanctioned plan, including the construction of a toilet and a small store room on the roof, beyond the approved plan.

Considering that the deviation is minor in nature, I am not inclined to pass any further orders in this writ petition. Respondent Nos. 6 and 7 are directed to submit an application to the Kolkata Municipal Corporation within two weeks from the date of this order, seeking regularisation of the unauthorised construction as outlined in the report of the Special Officer. The Kolkata Municipal Corporation shall consider the application in accordance with the law and pass a decision within three months thereafter.

Accordingly, WPO/575/2024 is disposed of.

(KAUSIK CHANDA, J.)