

ORDER SHEET

WPO/672/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

CHANDRAKANT PHUMBHRA
Vs
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 4th December, 2024.

Appearance:

Mr. Pranit Bag, Adv.
Ms. Pooja Jewrajka, Adv.
Mr. Rahul Poddar, Adv.
...for the petitioner

Mr. Alak Kr. Ghosh, Adv.
Mr. S.K. Debnath, Adv.
...for the KMC

Mr. Nilotpal Chatterjee, Adv.
...for the Special Officer

Ms. Ankita Sikdar, Adv.
...for the respondent no. 7

The Court: A prayer for accommodation on behalf of respondent no. 7 is made but is declined.

The petitioner alleges unauthorized construction at the behest of respondent nos. 7 to 10 at premises no. 17, Rowland Road, Kolkata-700020. According to the petitioner, respondent nos. 7 to 10 have enclosed the car parking spaces and attempted to convert them for commercial purposes, in violation of the sanctioned building plan.

This Court appointed a Special Officer to visit the premises on November 9, 2024, and to submit a report regarding the allegations made in the writ petition. Accordingly, the Special Officer has filed the report.

The Special Officer's report substantiates the allegations made in this petition. A reading of the report reveals that respondent nos. 7 to 10 have, in fact, carried out unauthorized constructions on the ground floor of the premises, beyond what was sanctioned in the building plan. Additionally, the car parking spaces have been converted for other purposes.

The learned advocate for the petitioner submits that respondent nos. 7 to 10, who were the promoters of the building, have used some flats from their allocation as guest house, where approximately 200 girls are residing as paying guests. To serve these guests, some individuals have been accommodated in the unauthorised portion of the building on the ground floor.

It also appears that respondent nos. 7 to 10 were previously restrained by an order of this Court dated June 23, 2009, passed in WP No. 26172(W)/2008, from carrying out any unauthorized construction at the relevant premises. The petitioner asserts that, despite this order, respondent nos. 7 to 10 continued to carry out unauthorized construction on the ground floor.

In light of the foregoing, I find no reason to keep this writ petition pending. Accordingly, WPO/672/2024 is disposed of with a direction to the Kolkata Municipal Corporation to initiate demolition proceedings concerning

the unauthorized portion of the building on the ground floor in accordance with law.

A reasoned order should be communicated to the parties.

The Corporation shall also take necessary action against the unauthorised change in the use of the ground floor of the building without the approval of the Corporation. This process should be completed within three months from the date of communication of this order.

The Special Officer appointed by this Court is hereby discharged.

(KAUSIK CHANDA, J.)

sg.