

ORDER SHEET

WPO/740/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI SOMNATH BANERJEE AND ANOTHER
Vs
THE MUNICIPAL COMMISSIONER AND OTHERS

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 24th September, 2024.

Appearance:

Mr. Souvick Mitra, Adv.
...for the petitioner

Mr. Biswajit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
...for the K.M.C.

Mr. Surya Prasad Chattopadhyay, Adv .
Mr. Mohan Lall Banerjee, Adv.
Mr. Arjun Samanta, Adv.
Mr. Ankit Chatterjee, Adv.

Ms. Sipra Mazumdar, Adv.
Ms. Somashree Dey, Adv.
...for the State/ respondent no.4

The Court: The petitioner alleges unauthorised construction at the behest of respondent nos. 5 and 6 at the premises no.27/1, Jhamapukur Lane, Ward No.38 under Borough-IV under the Kolkata Municipal Corporation.

A report filed by the Corporation suggests that the Corporation issued a sanctioned plan for construction of a G+IV storied building. The construction work was going on under the supervision of a competent engineer enlisted under the Corporation. The Corporation has carried out a

spot inspection and the spot inspection revealed that the construction work is going on as per the sanctioned plan.

The report of the Corporation further suggests that if any deviation takes place during the execution of the construction work, the Corporation will take necessary action as per law.

In view of the aforesaid, no further order needs to be passed in this writ petition. Additionally, this Court noticed that the petitioners had already approached a competent Civil Court by filing Title Suit No.957 of 2024 with the similar prayers as made in this writ petition and no order has been passed in their favour by the competent Civil Court. The Civil Court has already enjoined the private respondent nos.5 and 6 from demolishing the common boundary wall. The petitioners have undertaken before this Court that they will not demolish the common boundary wall.

Accordingly, WPO/740/2024 is disposed of.

(KAUSIK CHANDA, J.)