

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE.

WPO/849/2024
FEROZ KHAN
VS
THE KOLKATA MUNICIPAL CORPORATION AND OTHERS

BEFORE
THE HON'BLE JUSTICE KAUSIK CHANDA
Date: December 11, 2024.

Appearance :
Mr. Arif Ali, Adv.
Ms. Nandita Bakshi, Adv.
Mr. Sarban Bhattacharjee, Adv.
Ms. Bipasha Kundu, Adv.
...for petitioner
Mr. Kajal Baran Ray, Adv.
Mr. Suman Nandi, Adv.
For private respondent no. 13.
Mr. Srijan Nayek, Adv.
Mr. Dwijadas Chakraborty, Adv.
Mr. Manoj Malhotra, Adv.
Mr. Sabyasachi Mondal, Adv.
...for State

The Court: The report filed by the Kolkata Municipal Corporation is taken on record.

The petitioner alleges unauthorized construction at premises no. 27/2D, Ekbalpur Lane, Ward No. 78, Borough 9, under the jurisdiction of the Kolkata Municipal Corporation.

The learned advocate for the petitioner submits that the petitioner has constructed an additional floor beyond the sanctioned plan. Furthermore, the petitioner has failed to maintain the mandatory open space and has encroached upon a footpath during the construction.

On the other hand, the learned advocate for respondent no. 13 contends that the building was constructed strictly in accordance with the sanctioned plan.

Mr. Srijan Nayek, the learned advocate for the Corporation, submits that the Corporation detected some unauthorized construction at the premises in question and issued a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980, on September 5, 2024. However, respondent no. 13, in violation of the stop-work notice issued by the Corporation, continued the construction.

The Corporation has already initiated demolition proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

In view of the actions taken by the Corporation, I find no reason to keep this writ petition pending. Accordingly, I dispose of this writ petition with the direction to the Corporation to complete the demolition proceedings within three months from the date of this order, in accordance with the law.

It is needless to mention that the Corporation shall afford the petitioner and respondent no. 13 an opportunity to be heard in deciding the matter.

WPO/849/2024 is disposed of.

(KAUSIK CHANDA, J.)

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