

06.01.2025
Sl. No.20
Ct. No.15
S.A.

WPA 15519 of 2024

Dr. Jitendra Kumar Shaw
-vs-
Kolkata Municipal Corporation & Ors.

Mr. Tarak Nath Halder
Mr. Sagnik Chatterjee
Mr. Sayan Mukherjee
Mr. Biswajit Das
...for the petitioner
Mr. Srijan Nayak
Ms. Debangana Dey Nayak
...for KMC
Ms. Mousumi Choudhury
Mr. Hare Krishna Halder
...for the State
Mr. Subhojit Seal
...for respondent nos.7 & 8

The writ petitioner alleges that Respondent Nos. 7 and 8 have engaged in unauthorized construction at premises No. 31, Deb Lane, Ward No. 55, Borough-VI, under the jurisdiction of the Kolkata Municipal Corporation.

The report filed by the Corporation reads as follows:

“The site at captioned premises is inspected by this department as per received complaint by this department. During inspection it is observed that a new tin shed is made at the rear side of the premises at ground storey level. Upon finding of such unauthorized construction this department issued stop work notice under section 401 of K.M.C. Act 1980 on 13.06.2024 and police intimation was sent to the local police station for necessary action to stop progress on unauthorized construction.

Then this department prepared demolition sketch along with infringement statement and placed the notice case file before authority to processes the file under suitable sub section of section 400 of K.M.C. act 1980. Authority was pleased to order to process the file under section 400(1) of KMC Act 1980 accordingly this department placed the file before Special Officer (Building).”

The learned advocate representing Respondent Nos. 7 and 8, however, denies the allegation of unauthorized construction. It is submitted that only a temporary tin shed has been constructed, which does not warrant any interference from the Corporation.

In light of the above, I am not inclined to keep this writ petition pending.

Accordingly, I dispose of this writ petition with the following directions: the Corporation is to complete the proceedings under Section 400 (1) of the Kolkata Municipal Corporation Act, 1980, giving due notice to respondent nos. 7 and 8, within three months from the date of this order.

It is understood that the Corporation shall pass the necessary orders in accordance with law, after hearing respondent nos.7 and 8.

Accordingly, **WPA 15519 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)