

21.01.2025
Sl. No.59
Ct. No.15
S.A.

WPA 20068 of 2024

Soumen Saha Roy
-vs-
The State of West Bengal & Ors.

Ms. Sarmistha Basak
...for the petitioner
Mr. Tapan Coomaar Dey
Mr. Dwijadas Chakraborty
...for KMC
Mr. Arif Ali
Mr. S. Bhattacharya
...for respondent nos.10 to 12

The petitioner alleges unauthorized construction at the behest of respondents Nos. 10 to 12 at premises No. 34E, S. N. Roy Road, Kolkata-700038.

The report filed by the Corporation before this Court today indicates that a portion of the alleged unauthorized construction was directed to be regularized by the Special Officer (Building) on February 1, 2023. However, the demand for the regularization order could not be generated because premises No. 34E, S. N. Roy Road was not found in the assessment register within the computer system.

Additionally, the Mayor-in-Council has not yet approved the retention order due to non-payment of the requisite fees.

The report further suggests that respondents nos. 10 to 12 are not the recorded owners of the premises, which is listed as 34, S. N. Roy Road, under

Ward No. 118 of the Corporation, and that they do not reside at the said premises.

The report also notes that a note sheet has been issued to the Assessment Department (S. S. Unit) of the Corporation to resolve this issue, so that a demand notice can be generated.

I am of the view that unless the dispute outlined in the report of the Corporation is resolved, the alleged unauthorised construction cannot be regularized.

In light of this, I direct the Assessment Department (S. S. Unit) to take a decision and undertake the necessary steps for the mutation of the relevant assessment records, after providing due notice to all parties involved.

Subsequently, the Building Department of the Corporation shall take the appropriate steps regarding the regularization or demolition of the relevant construction.

This process must be completed by the Corporation within four months from the date of this order.

Until such a decision is made by the Corporation, no demolition work shall be carried out in respect of the alleged unauthorized construction.

Accordingly, **WPA 20068 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.)