

M/L 99
25.02.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 29542 of 2024

Sri Bijoy Kumar Mukherjee & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Tapas Kumar Dey
Mr. Debanik Banerjee
Mr. Prasenjit Saha
Ms. Susmita Mondal

...for the Petitioners.

Mr. Soumitra Bandopadhyay
Mr. S.S. Roy

...for the Union of India.

Mr. Satyajit Talukdar
Mr. Arindam Chatterjee

...for the KMDA

Mr. Alak Kr. Ghosh
Ms. Sima Chakraborty

...for the KMC

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners pray for issuance of a No Objection Certificate from KMDA in respect of a plot of land owned by the petitioners.
3. The plot of the petitioners is a part of a bigger plot, portions of which were acquired by KMDA. The petitioners are unable to get the plan sanctioned as the Corporation requires a No Objection Certificate from KMDA to ascertain as to whether the subject land falls outside the acquired land.
4. Learned advocate representing KMDA submits that, a site plan and location plan was forwarded by the Executive Engineer (Civil) of the Building Department, Borough-XII, KMC to the Executive Engineer ECPD-I E & AM Sector, KMDA in April, 2024. The site plan and the location plan have been misplaced from the office of KMDA and is not readily available.

5. Learned advocate for KMDA seeks for a direction upon the Executive Engineer (Civil) of the Building Department, Borough-XII, KMC to once again forward the site plan and the location plan. The description of the petitioner's plot is Mouza-Kasba, J.L. No. 13, Touzi No. 145, R.S. Dag No. 1497, R.S. Khatian No. 359, at premises No. 42, Rajdanga Chakraborty Para measuring about 2 Cotthas 8 Chittaks.
6. For the purpose of proper identification of the said property, a joint site inspection is required to be conducted. The Secretary, Land Acquisition Department, the Executive Engineer, KMDA and the Executive Engineer (Civil) of the Building Department, Borough-XII, KMC are directed to cause a joint spot inspection, upon prior notice to the petitioners for identification and demarcation of the subject property.
7. Steps shall be taken in the matter within a period of sixty days from the date of communication of this order.
8. The report of spot inspection shall be forwarded to the petitioners. If it appears that, the land of the petitioners has not been acquired by the authority, then specific information shall be forwarded to the KMC with an additional copy forwarded to the petitioners.
9. Prior to the joint inspection being conducted, the Executive Engineer (Civil) of the Building Department, Borough-XII, KMC shall forward the site plan and the location plan as mentioned in Page-4 of the writ petition to the concerned officer of KMDA.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)