

06.03.2025
Item No.16
PG/KS
Ct. No.1

W.P.A. (P) 515 of 2024
Amit Banerjee
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Rahul Karmakar
Mr. Sourav Guchhait
.....For the Petitioner

Mr. Samrat Sen, Ld. A.A.A.G.
Mr. Nilotpal Chatterjee
Mr. Santanu Chatterjee
.....For the State

Mr. Alok Kr. Ghosh
Mr. Arijit Dey
.....For the K.M.C.

Mr. Satyajit Talukdar
Mr. Arindam Chatterjee
.....For the K.M.D.A.

Mr. Arunava Maity
Mr. Anindya Chakraborty
Mr. Sanjay Patra
.....For the Respondent Nos.10 & 11

1. This public interest litigation has been alleging that there is an illegal encroachment on a public road and there is a construction put up without a sanctioned plan.
2. The matter was heard from time to time and directions were issued and in the last order dated February 6, 2025, direction was issued to the Kolkata Metropolitan Development Authority to place all the relevant records. Accordingly, a report in the form of an affidavit has been filed by the Executive Engineer, BPAD-1, E & AM Sector, Kolkata Metropolitan Development Authority along with annexures. From the annexures, it is seen that there is a dotted line, which indicates the passage and the passage is not of even width. This is also amplified in the another plan, which has been signed by all the various authorities in Annexure – B at page 13 of the report in the form of an affidavit.

3. Therefore, we are satisfied that the width of the passage is not uniform at all places.
4. The second aspect focussed by the petitioner is that the Kolkata Municipal Corporation Authority has not granted the building plan approved. The documents have been placed in the report in the form of affidavit to show that the Development Control Regulations of low houses aimed at Economically Weaker Sections (EWS) and Low Income Groups (LIG) were so formulated to give a scope to those people, who would like to deviate from the standard model plan indicated in the brochure.
5. Accordingly, recommendations were made, which show that Kolkata Metropolitan Development Authority is the sufficient authority to grant such building plan especially with regard to such category of housing, which has been mentioned.
6. Therefore, we find no ground to issue the writ, as sought for. Accordingly, the prayer, as sought for in the writ petition is refused and the writ petition stands dismissed.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)