

WPO/678/2024
With
WPA/21603/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SHARUKH GAZI

-VERSUS-

THE KOLKATA MUNICIPAL
CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: January 15, 2025

Appearance:

Mr. S. P. Mukherjee, Adv.

Mr. Shuvajit Bose, Adv.

*...for the respondent nos.6-9 in WPO/678/2024 &
Petitioner in WPA/21603/2024*

Mr. Alak Kumar Ghosh, Adv.

Mr. Gopal Chandra Das, Adv.

Mr. Dwijadas Chakraborty, Adv.

...for the KMC.

Ms. Tuli Sinha Adv.

...for the State in WPO/678/2024.

The Court: Both of these writ petitions are being heard together, as the petitioners in each case have made allegations of unauthorised construction against one another.

The first writ petition (WPO/678/2024) pertains to a construction at premises No. R-173, Barik Molla Lane, Ward No. 137, Police Station - Metiabruz, while WPA/21603/2024 involves a construction at premises No. R-216/B, Cotton Mill Lane, within the same ward of the Kolkata Municipal Corporation.

The Corporation has submitted two separate reports regarding both premises. These reports indicate the presence of unauthorized construction at each site. Additionally, the reports suggest that stop-work notices under Section 401 of the Kolkata Municipal Corporation Act, 1980, have already been issued for both premises. The Corporation has also initiated proceedings under Section 400 of the Kolkata Municipal Corporation Act, 1980.

Considering the nature of the allegations in these writ petitions, I am of the view that the Corporation should proceed with further actions under Section 400 (1) of the Kolkata Municipal Corporation Act, 1980, by providing due notice to the individuals responsible for the unauthorized construction.

The Corporation is directed to complete these proceedings within three months from the date of this order, in accordance with the law.

Accordingly, both writ petitions are disposed of.

(KAUSIK CHANDA, J.)