

OD-6

ORDER SHEET

WPO/826/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PRIYANATH NEOGY
Vs
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 5th February, 2025

Appearance:

Mr. Sotanu Chakraborty, Adv.

Mr. Debjit Basu, Adv.

Mr. Anirban Roy, Adv.

... for the petitioner

Mr. Biswajit Mukherjee, Adv.

Ms. Tanushree Dasgupta, Adv.

...for KMC

Ms. Sonal Sinha, Adv.

Ms. Shabnam Farooqui, Adv.

...for the State

The Court: Let the report filed by the State be retained with the records.

The petitioner asserts that an unauthorised construction has been carried out at the instigation of respondent nos. 9 and 10, who are tenants of the petitioner in respect of premises located at 48C, Matheswartala Road, P.S. Pragati Maidan, Kolkata-700046.

It appears that a suit for eviction is already pending before the competent civil court. The prayer of defendant no.2 for repair work was rejected by the civil court on September 18, 2020.

The learned advocate representing respondent nos. 9 and 10, however, submits that a fresh application for repair work has been filed and is yet to be adjudicated by the Court.

Through the present writ petition, the petitioner seeks the demolition of the unauthorised construction allegedly carried out by respondent nos. 9 and 10.

Respondent nos. 9 and 10 have failed to produce any order from the Civil Court authorising them to undertake any repair work.

In my view, the pendency of the civil suit does not preclude the discharge of the statutory functions of the Kolkata Municipal Corporation.

In view of the above, the writ petition is disposed of with the following direction:

The Corporation shall, within two weeks from the date of this order, inspect the premises in question to ascertain whether any unauthorised construction has been undertaken by respondent nos. 9 and 10.

If unauthorised construction is found, the Corporation shall take appropriate action in accordance with the law, providing an opportunity of hearing to both the petitioner and respondent nos. 9 and 10.

This order is, however, subject to any further order that may be passed in the pending civil suit.

Accordingly, WPO/826/2024 is dismissed.

(KAUSIK CHANDA, J.)