

WPO/909/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

NEELANJANA ROY

-VERSUS-

KOLKATA MUNICIPAL CORPORATION
AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: 5thFebruary, 2025

Appearance:

Mr. Alak Kumar Ghosh, Adv.

Mr. Atish Ghosh, Adv.

Mr. Shaunak Mukhopadhyay, Adv.

Mr. Tanmoy Sett, Adv.

Ms. Antara Dey, Adv.

...for the petitioner.

Mr. Gurudas Mitra Adv.

Ms. Manisha Nath, Adv.

Ms. Dipanita Ganguly, Adv.

...for the KMC.

Mr. Arindam Paul, Adv.

Mr. Subham Bandopadhyay, Adv.

...for the respondent No.6.

Ms. Tuli Sinha, Adv.

...for the State.

The Court: The report submitted by the Officer-in-Charge, Amherst Street Police Station, is placed on record.

The petitioner alleges unauthorised construction at premises no.68/1, College Street, Kolkata-700073, at the behest of respondent no. 6.

The learned advocate representing respondent no. 6 questions the locus standi of the petitioner to maintain the present writ petition. It is contended that the petitioner has no interest or share in respondent no. 6.

In light of the report filed by the Corporation, this Court finds it unnecessary to examine the issue of locus standi. The report, as filed by the Corporation, is reproduced below:

“After receiving a telephonic complaint, this department caused an inspection at the above captioned premises and during inspection it was revealed that the person responsible has a reconstruction sanction plan vide sl no 121/Br V/Bldg/2023-24 dated 31.01.2024. During inspection it was also revealed that person responsible has already demolished the existing structure which was violated the condition of the said sanction plan. In this regard, this department served stop work notice under Section 401 of KMC Act 1980 upon the person responsible on 23.09.2024. Also the P.I. slip was sent to the local Station (Amherst Street) on the same date. As the construction work was going on defying the stop work notice, so F.I.R. was lodged against the Person Responsible under Section 401(A) of KMC Act, 1980 by this department on 25/09/2024. After that the case file was send to the higher authority for further action under suitable sub section 400 of KMC Act 1980.

Now the case file is under process under Section 400(1) of KMC Act 1980.”

In my view, since the Corporation has already initiated demolition proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980, no further order is required.

Accordingly, WPO/909/2024 is disposed of.

(KAUSIK CHANDA, J.)