

15.01.2025

Sl. No. 36

Court No.30
BM

WPA 20480 of 2018

**Asis Chakraborty @ Tukai Chakraborty
Vs.**

The Kolkata Municipal Corporation & Ors.

Mr. Raghunath Chakraborty
Mr. M. Ahmed

... for the petitioner

Mr. Arjun Samanta
Mr. Caesar Karmakar

... for the respondent no.21

1. The present writ petition has been preferred praying for direction upon the respondent KMC to give effect to the order dated 4.1.2018/10.01.2018 passed by the KolkataMunicipal Corporation.

2. Vide the said order, the Municipal Commissioner, Kolkata Municipal Corporation held as follows:-

“ That the file has been put up before me after submission of the BL&LRO letter vide Memo No.98/01/BLLRO/ATM/KASBA dated 02.01.2018 wherefrom the said letter it appears that the said plot of land is being classified is “Pukur” as per for their records as maintained by their office. Thus, from the above, it can be concluded their records as maintained by their office. Thus from the above it canbe concluded that Building sanction plan as obtained by the private respondents by material misrepresentation as because the nature of the land where the building sanction

plan has been granted is mismatching with the records with BL& LRO where the land being classified as Pukur, this act of the private respondents tantamount to material misrepresentation. Accordingly, i am of the opinion that it is a clear case of misrepresentation made by the private respondents for obtaining the sanction plan of G+III storied residential building at premises No.138, Bandipur Road, Ward 113, Br. XI, issued vide B.P No.238/13-14 dated 10.09.2013 and order to cancel the said plan dated 10.09.2013 by invoking the section 397 of the Kolkata Municipal Corporation Act, 1980. Hence, necessary steps may be taken by the Building Department with immediate effect.”

3. Challenging the said order the Developer/respondent had approached the High Court in WPO 643 of 2018 vide an order dated 3rd August, 2022, wherein the Single Bench of this Court relying upon the said report of the BL&LRO and the findings of the Municipal Commissioner of the Kolkata Municipal Corporation, dismissed the writ application and confirmed the finding dated 10th January, 2018 of the Municipal Commissioner, Kolkata Municipal Corporation. The said order has been sought to be implemented in this writ petition.

4. Considering the said findings and the report sought to be implemented in the present case, this

writ petition is disposed of with the direction that the Municipal Authority shall comply with its order dated 10th January, 2018 within a period of three months from the date of this order.

5. The writ petition stands disposed of.
6. Pending applications stand disposed of.
7. Interim order, if any, stands vacated.
8. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)