

18 12.12.2024
AN Ct. No. 08
RP

WPA(P) 490 of 2024

Sunita Shaw & ors.
vs.
State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee
Mr. Niraj Gupta
Ms. Manisha Paswan

... for the petitioners

Sk. Md. Galib, Id. Sr. Adv.
Mr. Abu Siddique Mallick

... for the State

Mr. Alok Kr. Ghosh
Mr. Arijit Dey

... for the K.M.C.

Mr. Arup Chatterjee
Mrs. Priti Jain

... for respondent no. 6

This Public Interest Litigation is filed alleging that the Corporation showed its insensitivity to the illegal construction undertaken by the private respondents in respect of a Premises No. 2/C/H/13, Chattu Babu Lane, Kolkata-700014.

On the last occasion when the matter was moved, time was taken by Mr. Ghosh, learned counsel representing the Kolkata Municipal Corporation to apprise the Court of the exact state of affair. On such ground, the matter was adjourned. Mr. Ghosh hands over the communication received by him from the authorized officer of the Kolkata Municipal Corporation indicating that the number of premises disclosed in the writ petition is factually incorrect and also disclosed the correct premises number. It is also revealed from the said communication that a building plan was sanctioned in respect of the said premises vide BP No. – T201906015 dated 18.12.2019 under Section 400(8) of the Kolkata Municipal Corporation Act,

1980. According to Mr. Ghosh, the inspection was conducted in respect of the said construction and found that an illegal construction in deviation to the sanctioned plan by extending two floors and step for demolition of several numbers of slab panels of the said illegal and unauthorized construction has already been undertaken.

From the aforesaid stand of the Corporation, it appears that though step has been taken, but the illegal and unauthorized construction by making two additional floors are still in existence.

No person shall be permitted to make construction beyond the sanction having granted by the competent authority and such illegal construction should not remain and the authorities must take a proper action for demolition. The Corporation is directed to demolish the said unauthorized illegal construction of the said two floors as indicated in the said communication within two weeks from date if any approach is made by the Corporation to the Police Authorities, in the event of assistance so required, the Police Authorities shall provide adequate assistance to the Corporation. The Corporation is directed to submit the report when the matter is returnable on 23.12.2024 for further consideration.

(Harish Tandon, J.)

(Hiranmay Bhattacharyya, J.)