

OD-8

ORDER SHEET
WPO No. 513 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PAYEL PAUL
VS.
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:14th March, 2023.

Mr. Tapas Dutta, Advocate for the Petitioner.

Mr. Alak Kumar Ghosh, Mr. Gopal Chandra Das, Advocates for KMC.

Mr. Manoj Malhotra, Mr. Sagnik Chatterjee, Advocates for the State.

Mr. Arindam Banerjee, Mr. Sidhartha Sharma,
Mr. Rishav Dutt, Mr. Aman Kataruka,
Advocates for Respondent no.7.

The Court:-The petitioner alleges illegal and unauthorized construction in the 1st floor of Nicco House at 2, Hare Street, Kolkata-700 001.

Reference has been made to the order dated 22.02.2023 passed by the Senior Municipal Magistrate in Complaint Case No.14 of 2022 [Payel Paul Vs. Floor Space Project LLP & Ors.]

Learned advocate representing the private respondent denies the allegation and opposes the prayer of the petitioner. It has been submitted that the writ petition has been filed to abuse the process of law.

There is no description of the petitioner in the writ petition. Details of the unauthorized construction are not mentioned. Similar writ petition filed by another petitioner (Biswajit Goswami) is due to appear in the list on 16.03.2023.

It appears that the Senior Municipal Magistrate called for a report from the police. Report has been filed by the Officer-in-Charge, Hare Street Police Station signed on 08.03.2023, wherein it has been mentioned that on the basis of

requisition of the Kolkata Municipal Corporation, guards were posted regularly till 03.03.2022. After withdrawal of the stop work notice, guards have been withdrawn.

The Corporation is directed to file a report before this Court on 23.03.2023 disclosing the nature of the construction work being made in the first floor of the subject premises.

List the matter once again on 23.03.2023.

(AMRITA SINHA, J.)

nm