

31.12.2020
Vacation Bench
Item No.11
(J.K.S & S.M)

(Via Video Conference)

WPA 11974 of 2020

Ekbal Hossain Halder

-Vs-

The Kolkata Municipal Corporation & Ors.

Md. Sarwar Jahan,
Mr. Maidul Islam Kayar,
..... For the petitioner.

Mr. Swapan Kumar Debnath,
Mr. Gopal Chandra Das,
.... For the K.M.C.

Mr. Uttam Kr. Dey,
.... For the State.

This is a second round of litigation between the parties. In the earlier writ petition filed by the petitioner, the Court by order dated 19th October, 2020 passed in WPA 7547 of 2020 with I.A No. CAN 1 of 2020, directed the Corporation to initiate proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

The Court further directed that the KMC will take all endeavour to conclude such proceedings as expeditiously as possible.

The learned advocate for the petitioner complains that in spite of initiation of the proceedings under Section 400(1) of the Act, the private respondents are merrily going on making illegal and

unauthorized construction in the premises in question.

The petitioner by way of representation dated 9th November, 2020 invited the attention of the Executive Engineer, Borough XV to take necessary action in the matter.

The petitioner complains that the said respondent has not taken any steps in the matter till date.

As it appears that the Corporation has already initiated proceedings under Section 400(1) of the Act, necessary step is liable to be taken by the appropriate authority to ensure that no further illegal construction is carried on in the premises in question.

The instant writ petition is accordingly disposed of by directing the respondent no.4 being the Executive Engineer (Civil), Borough XV, KMC to take appropriate steps in accordance with law at the earliest but positively within a period of three weeks from the date of communication of a copy of this order.

The Officer-in-Charge of the Rajabagan Police Station is directed to render all cooperation to the officials of the Kolkata Municipal Corporation in the matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order,
if applied for, be supplied to the parties subject to
compliance with all requisite formalities.

(Amrita Sinha, J.)