

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Jan-31-2012

Judge : Soumitra Pal

Appellant : Appellant

Respondent : Respondent

Judgement :

G.A.No.75 of 2012 WP No.601 of 2011 IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction ORIGINAL SIDE TAPAS HAIT
Plaintiff/Petitioner/Applicant Versus THE KOLKATA MUNICIPAL CORPORATION
& ORS.Defendant/Respondent For Plaintiff/Petitioner : Mr.Sakya Sen,Advocate.

For KMC/Respondent : Mr.Gour Roychowdhury,Advocate.

BEFORE: The Hon'ble JUSTICE SOUMITRA PAL Date :

31. t January, 2012.

The Court : Let affidavit in opposition to the writ petition and reply thereto filed in Court today be kept on record.

In the writ petition, the petitioner has challenged the stop work notice issued by the authorities of Kolkata Municipal Corporation under section 401 of the Kolkata Municipal Corporation Act, 1980 and in the application being G.A.No.75 of 2012 in

connection with the said writ petition, the petitioner has challenged the proceedings under section 400 of the 1980 Act.

In the application, the petitioner is seeking for a direction upon the authorities of the Corporation to carry out minor repairs on the roof.

Learned advocate appearing on behalf of the Kolkata Municipal Corporation submits that in the garb of minor repair the petitioner is carrying out major repairs which is disputed by the petitioner.

Having heard Mr. Sen and Mr. Roychowdhury and considering the facts and circumstances of the case, since proceedings are pending before the Special Officer (Building), Kolkata Municipal Corporation, the writ petition as well as application are disposed of by directing the Special Officer (Building) to dispose of the said proceedings by passing a reasoned order within eight weeks from the date of presenting a copy of the certified copy of this order after giving an opportunity of hearing and after verifying the records and after causing an inspection of the site, if necessary, upon due notice.

Since it has been submitted that the building needs some minor repair, if an application to that effect is made before the Special Officer (Building), Kolkata Municipal Corporation, it shall be disposed of by passing a reasoned order within a week from the date of its filing after giving an opportunity of hearing.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the appearing parties on priority basis.

(SOUMITRA PAL, J.) ssaha AR(CR)

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