
(2021) 08 CAL CK 0018
In the Calcutta High Court
Case No : Writ Petition No. 376 Of 2021

Javed Akhtar & Ors.

APPELLANT

Vs

Kolkata Municipal Corporation & Ors.

RESPONDENT

Date of Decision : 11-08-2021

Acts Referred:

Kolkata Municipal Corporation Act, 1980 — Section 356, 357, 357(6)

Citation : (2021) 08 CAL CK 0018

Hon'ble Judges : Shampa Sarkar, J

Bench : Single Bench

Advocate : Utpal Majumdar, Teesham Das, Achintya Kumar Banerjee, Indramouli Banerjee, Paushali Banerjee

Judgement

The petitioners allege that plan for construction of a building at 7A, Tiljala Place, Kolkata 700 017 has not been sanctioned by the Kolkata Municipal

Corporation, on the ground that there was a 90 years old regular alignment of a street which could not be changed.

The petitioners by invoking the provisions of Sections 356 and 357 of the Kolkata Municipal Corporation Act approached the Municipal Commissioner

with a prayer for removal of such alignment of the said street on the ground stated in the representation dated November 21, 2019. Thereafter on

various occasions such prayer for removal of the alignment was made and lastly on January 27, 2021. It is alleged by the petitioners that such street

alignment was given a go-by when other buildings in the locality were allowed to be constructed. Only the petitioners have been singled out and their

prayer for removal of the alignment has not been dealt with at all.

Mr. Banerjee, learned Advocate for the Kolkata Municipal Corporation, submits that the allegations are not correct. The Corporation had not taken

any steps with regard to the prayer for removal of the alignment as such removal was not permissible. However, Mr. Banerjee submits that the

Municipal Street Technical Committee normally reviews such cases.

I have perused Section 357 which empowers the Commissioner to define regular line of street. Section 357(6) empowers the corporation to partly or

wholly cancel or modify a regular line of street after a period of ten years.

Having heard the learned Advocates for the parties, the writ petition is disposed of by directing the Municipal Commissioner or his delegatee to look

into the issue and consider the grievance of the petitioners and dispose of the representations within a period of twelve weeks from the date of

communication of this order. If necessary, the Commissioner and/or his delegatee may seek assistance of the Municipal Street Technical Committee

whether steps in terms of Section 357[6] of the Kolkata Municipal Corporation Act could be taken in this regard as the alleged alignment is 90 years

old.

It goes without saying that before taking any decision, the petitioners shall be given an opportunity of hearing. Thereafter, a reasoned order will be

passed which will be communicated to the petitioners.