



**ORDER**

**W.P. No. 1158 of 2014**  
**Motijug Agencies Limited & Ors.**  
**Vs.**

**The Kolkata Municipal Corporation & Ors.**  
**Premises No. 12, Tangra 2<sup>nd</sup> Lane (10/4A, Gobinda Ch. Khatick Road), Ward-58, Br-VII.**

WHEREAS , Hon'ble Justice, Mr. I.P. Mukherjee of Kolkata High Court in an order dated 17.12.2014, directed PMU department of the Kolkata Municipal Corporation to go in for a hearing regarding the above captioned matter and to settle the issues finally by 25<sup>th</sup> February upon hearing the submissions of the party.

WHEREAS , in his solemn order , the Hon'ble Justice Mukherjee mentioned that the officer will have no power to disagree with the findings made by the Special Officer, which, I have observed, has become final and binding.

WHEREAS , the undersigned , in compliance of the said order of the Hon'ble High Court , heard the party on 23.02.2015 at 3 PM in his chamber at PMU department of Kolkata Municipal Corporation. Prior intimation was given to the party vide letter no. Ref No.PMU/238A /2014-15 dated 16.02.2015. At the time of hearing, representative of the petitioner along with Dy.C.E.(C)/PMU, Executive Engineer (C)/PMU and Assistant Engineer (C)/PMU ,SAE(C)/PMU were present.

WHEREAS, the party has submitted the inspection book copy of Kolkata Municipal Corporation of 2002-03 where it is recorded that the nature of use of the above mentioned premises is asbestos shed, brick wall, DH land of 134 cottah as per Deed including tank area of 4.5 cottah.

WHEREAS the party has submitted the notarized letters of Fisheries Department no. 1165-Fish/C-III/2M/165/2011 dated 28.05.2012 where it is stated that "I am directed to say that as per records of Kolkata Municipal Corporation, the entire plot is recorded as Bastu/Dwelling House with asbestos structures along with a tank measuring 4.5 cottahs which has been physically extended to around 9 cottahs in natural courses causing of which the provision of West Bengal Inland Fisheries Act 1984 and as amended is not applicable in respect of the said plot except the area of existing tank situated thereon and this department has no objection for development of recorded bastu land for project purpose without disturbing the existing tank thereon".

WHEREAS the department submitted the N.R.S.A. map which shows there are two water bodies in the premises and areas of two water bodies are 755.6 sqm (approx.) and 681 sqm (approx.).

WHEREAS the representative of the petitioner stated that the low land which shows water body as per NRSA map was actually the piggery(sty) earlier.

WHEREAS a mass petition on 20.06.2011 for allegation of illegal filling up the pond is found in the file where petitioners mentioned the area of pond at the above mentioned premises to be 10 Cottahs (approx).


AND WHEREAS the petitioner stated that as per order of Hon'ble High Court, Special Officer Sri Rudra Narayan Chowdhury, Advocate was appointed. Joint measurement had been taken by a licensed building Surveyor Mr. Debnath Mukherjee in presence of Special Officer, the representatives of the plaintiff Sri Saket Mohta, Sri Abhishek Mohta, Sri Sandip Mukherjee and the officials of PMU department, Sri Pradip Kumar Basak, E.E.(C)/PMU, Sri Debasish Seal, A.E.(C)/PMU and Sri Saileswar Mukherjee, S.A.E.(C)/PMU.

**SUSHIL MOHTA**  
CONSTITUTED ATTORNEY OF  
MOTIJUG AGENCIES LTD  
MODERN GEARS LTD  
MACHINE WORKS (INTL) LTD  
MOTIJUG CHARITABLE TRUST

WHEREAS the measurement had been documented as the water body on the southern portion is 640 sqm. and low land of area 151.83 sqm. and 25.6 sqm. on northern portion respectively. The sketch of the measurement was signed by all the parties where 151.83 sqm has been shown as Doba area and 25.6 sqm as depressed land area.

Now, therefore, in consideration of all factors and facts ( joint inspection by the Special Officer, plaintiffs and the officials of the PMU department and on going through the relevant documents /submission as well as the orders of Hon'ble Justice Mukherjee that the officer will have no power to disagree with the findings made by the Special Officer, which, I have observed, has become final and binding) relates to the above said premises, the undersigned has come to the conclusion that the total area of the water bodies are 640.00 sqm and 151.33 sqm respectively.

Hence, PMU department is directed to record the same in the departmental tank list and take necessary action accordingly.

 23/2/15

**Subrata Kumar Seal**

**D.G.(PMU)**

**SUSHIL MOHTA**  
CONSTITUTED ATTORNEY OF  
MOTIJUG AGENCIES LTD  
MODERN GEARS LTD  
MACHINE WORKS (INTL) LTD  
MOTIJUG CHARITABLE TRUST



**BHARAT SANCHAR NIGAM LIMITED**

(A Govt. of India Enterprise)

Office of the Chief General Manager, Telecom Projects, E/Zone,

**Microwave Survey Division,**

2/5A, Judges Court Road, Alipore, Kolkata – 700 027

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To

M/s Anand & Associates  
Architects, Engineers & Planners  
11-A, Jawaharlal Nehru Road  
Kolkata-700013.

No-G/MWC/1-150/T.B/2012-13/12/Vol.-III

Dated at Kolkata 21-09-2012

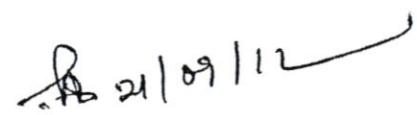
**Sub:- Clearance of height of the proposed building at Premises No. 10/4A,  
Gobinda Chandra Khatik Road, Ward No. 58, Borough-VII, Kolkata -46.**

Sir,

In connection with your application dated 10-09-2012 regarding above mentioned subject, it is observed that there is no physical obstruction to the existing /Working BSNL Microwave schemes, hence the height of the proposed building, at the above mentioned premises has been cleared for **184.575M (One Hundred Eighty four Point Five Seven Five meters only)** above ground level including lift machine room and water tank on the roof top as shown in the sectional elevation.

One set of drawings, duly signed is returned herewith. Any change in the drawings is not permissible, if so, this NOC will be treated as cancel and a separate application with proper drawings in this regard is to be submitted to this office for further reconsideration of revised NOC.

Encl:- As stated

  
21/09/12  
Divisional Engineer Telecom.  
Microwave Survey Division  
Kolkata.