

26.11.2020
DL-14
ns Ct.24

**W.P.A. No.7312 of 2020
With
I.A. No.CAN 1 of 2020**

**Saiful Islam Mallick.
Versus
The State of West Bengal & Ors.**

Mr. Md. Ali Mansoor,
Mr. Md. Abdul Alim ... for petitioner.

Mr. Srijan Nayak,
Mr. Subhrangsu Panda .. for KMC.

CAN 1 of 2020 is disposed of by taking up the writ petition for consideration.

Petitioner complains of unauthorised construction.

Learned Advocate appearing for the petitioner submits that, there is a typographical error in the writ petition so far as the description of the immovable property is concerned. The immovable property is premises no.134/C instead of 134.

Learned Advocate appearing for the corporation submits that, the corporation authorities, on the receipt of the complaint received from the petitioner, inspected the locale, found unauthorised construction at premises no.134/C. Corporation issued notices under Section 401 of the Kolkata Municipal Corporation Act, 1980.

In such circumstances, since the corporation authorities are of the view that, there exists unauthorised construction at the locale, it would be appropriate to direct the corporation authorities to initiate proceedings under Section 400(1) of the Act of 1980. Needless to say that, the authorities will afford a reasonable opportunity to the petitioner as also to the private respondents in such proceedings. The authorities are at liberty to hear such other parties and consult such documents as it deems appropriate. It will pass a reasoned order, which it will communicate to the parties it has heard forthwith thereafter.

It is expected that, the entire proceeding is concluded within a period of eight weeks from the date of communication of this order.

W.P.A. No.7312 of 2020 is disposed of.

No order as to costs.

(Debangsu Basak, J.)