

01.07.2021
(S/L-05)
Ct.-24
(S.K. & S.M)

(Via Video Conference)

W.P.A. 4841 of 2020

Anand Kumar Shaw
-Vs-
State of West Bengal & Ors.

Mr. Somnath Gangopadhyay
..... For the Petitioners.

Mr. Subhrangsu Panda
... For the KMC.

Mr. Bipin Ghosh ... For the Respondents.

The petitioner alleges illegal and unauthorized construction by the private respondents in the premises No. 368/13, Roy Bahadur Road, Kolkata – 700053.

In response to the complaint filed by the petitioner before the Kolkata Municipal Corporation, the officials of the Corporation inspected the site and detected unauthorized construction there. FIR was sought to be lodged before the Behala Police Station. It has been submitted that initially the police did not register the FIR. The Municipal Magistrate thereafter passed an order directing the Officer-in-Charge of the Behala Police Station to register FIR in terms of the complaint filed by the Kolkata Municipal Corporation.

The petitioner submits that even though there is a stop work notice issued for not carrying on any construction the private respondents are merrily going with the construction at a very first pace.

The learned counsel for the Corporation also submits that the stop work notice has duly been issued and since unauthorized construction has been detected, steps will be taken by the Corporation for removal of the said unauthorized construction.

None appears on behalf of the private respondents despite service.

Affidavit of service filed in Court is taken on record.

From the submissions of the parties it is evident that admittedly unauthorized construction exists in the subject premises. The Kolkata Municipal Corporation is directed to take immediate necessary steps, strictly in accordance with law, for removal of the unauthorized construction, at the earliest, but positively within a period of ninety days from the date of communication of a copy of this order.

The Officer-in-Charge of the Behala Police Station shall afford all necessary assistance to the officials of the Kolkata Municipal Corporation

at the time of removal of the unauthorized construction, if necessary.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)