

30.09.2021
Sl. No.46
srm

W.P.A. No. 14097 of 2021

**Nasir Ahmed
Vs.
The State of West Bengal & Ors.**

Mr. Anupam Dasadhikari,
Mr. Abhijilash Sinha Roy
...for the Petitioner.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee
...for the KMC.

Mr. Susanta Pal,
Mr. Ananda Dulal Sarkar
...for the State-Respondents.

Affidavit of service is taken on record.

The records reveal that the respondent No.11 has been served. It is submitted that the respondent No.11 is the person responsible. The other two respondents, namely, respondent Nos.12 and 13, who are the owners of the premises have not been served.

The writ petition is taken up for disposal primarily because the Kolkata Municipal Corporation has already taken steps by issuing a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980. The representative of the persons responsible, namely, Faim Ahmed and Tahera Khatoon have been notified. An FIR has also been lodged with the local police station. The police authorities have submitted a

report before this Court, from which it appears that the construction work was stopped and the police have been maintaining vigil.

Thus, as the Kolkata Municipal Corporation has already taken steps in this regard, no further order need be passed in the writ petition. However, the competent authority of the Kolkata Municipal Corporation is directed to act and proceed under Section 400 of the Kolkata Municipal Corporation Act. An inspection shall be held in presence of the petitioner and the representative of the respondent Nos.11 to 13. A copy of the inspection report shall be handed over to the parties. A hearing shall be given to the parties. A reasoned order shall be passed and communicated to all concerned. The competent authority of the Kolkata Municipal Corporation shall act and proceed in accordance with law on the basis of what transpires at the time of hearing and during inspection.

The entire exercise shall be completed within a period of five months from the date of communication of this order.

This Court has not gone into the merits of the claims and counter-claims of the parties.

As it is the specific contention of the petitioner that the construction is still going on, the police authorities and the corporation are directed to ensure compliance of the stop work notice.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)