

17.11.2021  
Court No. 19  
Item no.27  
CP

WPA 17455 of 2021

Ghazala Rauf & anr.  
Vs.  
Kolkata Municipal Corporation & ors.

Mr. Avirup Chatterjee  
.....for the petitioners.

Mr. Alak Kumar Ghosh  
Mr. Gopal Chandra Das  
.....for the K.M.C.

Mr. Santanu Kumar Mitra  
Mr. Ranjan Saha  
Mr. K.M.Hossain  
....for the State.

Petitioners are the owners of Premises No. 33B, Ahiripukur Road, P.S. – Karaya, Kolkata-700 019. Petitioners had obtained a sanction from the Kolkata Municipal Corporation to construct on the said premises.

The Kolkata Municipal Corporation, upon inspection found that some unauthorized construction had taken place. Accordingly, a ‘Stop Work Notice’ was issued.

Petitioners submit that on the basis of the inspection, the unauthorized portions indentified by the corporation were demolished by the petitioners and after the demolition was completed by the petitioners, the Kolkata Municipal Corporation once again inspected the said premises. Petitioners pray

that the 'Stop Work Notice' may be withdrawn by the Kolkata Municipal Corporation and the petitioners may be permitted to construct strictly in accordance with law. Petitioners also undertake before this court that no construction will be made in deviation of the permission granted by the Kolkata Municipal Corporation.

Having considered the submissions of the petitioners and in view of the undertaking that the petitioners shall not construct in deviation of the sanction plan/permission given by the Kolkata Municipal Corporation, this court is of the opinion that the Kolkata Municipal Corporation must dispose of the representation of the petitioners dated October 5, 2021, which is at page 37 of the writ petition being annexure P-3 upon hearing the petitioner.

The Executive Engineer, Borough-VIII, Kolkata Municipal Corporation shall satisfy himself about the demolition of the unauthorized construction and, thereafter, take a decision whether to allow the petitioners to continue with the constructions strictly in accordance with the plan.

If it is found that some unauthorized portions still remain to be demolished, the same shall be demolished under his supervision. Once the demolition is completed as directed by the Kolkata Municipal Corporation, the 'Stop Work Notice' shall

be withdrawn and the petitioners may be allowed to continue construction strictly in accordance with the plan.

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

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

**(Shampa Sarkar, J.)**