

04  
10.03.2021.  
d.p.

**W.P.A 7825 of 2020  
(Via Video Conference)**

**Arshad Ali  
-versus  
The Kolkata Municipal Corporation & Ors.**

**Mr. Rajdeep Bhattacharya,  
Mr. Shareq Siddique.  
...For the Petitioner.**

**Mr. Raja Saha,  
Ms. Rupsha Chakraborty.  
...For the State.**

**Mr. Ranajit Chatterjee,  
Mr. Durjadas Chakraborty.  
...For the KMC.**

The petitioner alleges illegal and unauthorized construction in the Premises No. 4/H/7, Convent Lane, Ward No. -56, Borough-7 of the Kolkata Municipal Corporation.

The Court by an order dated 27<sup>th</sup> November, 2020 directed the Kolkata Municipal Corporation to inspect the locale and submit a report as to whether there exists any unauthorized construction or not.

Pursuant to the direction passed by the Court, the Kolkata Municipal Corporation has filed a report, prepared by the Sub-Assistant Engineer (Civil), Assistant Engineer (Civil) and the Executive Engineer (Civil).

It appears from the report that a five storied RCC structure has been constructed thereon without any

sanctioned building plan. The Corporation has issued stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on 20<sup>th</sup> June, 2020.

The Officer-in-Charge of the Entally Police Station has also to be intimated for taking necessary action and requisition for round the clock police posting has also been sent to Joint Commissioner of Police (H.Q.), Lalbazar on 3<sup>rd</sup> December, 2020.

The matter has been processed under Section 400 of the Kolkata Municipal Corporation Act, 1980.

As it appears from the report that the Kolkata Municipal Corporation have come to a considered opinion that the building has been constructed without any sanction plan at all, accordingly, necessary steps shall be taken by the concerned authority of the Kolkata Municipal Corporation to conclude the proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980, strictly in accordance with law, at the earliest, but positively within a period of six months from the date of communication of a copy of this order.

The report filed by the Kolkata Municipal Corporation is retained with the records.

W.P.A. 7825 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**( Amrita Sinha, J.)**