

23
05.03.2021.
d.p.

**W.P.A. 10021 of 2020
(Via Video Conference)**

**Masrur Alam
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Swarup Banerjee,
Mr. Md. Salman.
.... For the Petitioner.**

**Mr. Ranajit Chatterjee,
Mr. A. Mukherjee.
...For the KMC.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction being carried on in the premises No. 24/1A, Chandra Nath Roy Road, P.S.-Tiljala, Ward No.-66, Borough-VII, Kolkata-700039 under the Kolkata Municipal Corporation.

The petitioner alleges that his representation dated 25th November, 2020 objecting to such unauthorized construction has not been considered by the respondent authorities till date.

The learned advocate appearing for the Kolkata Municipal Corporation submits, upon instructions, that the department inspected the premises and found construction of foundation work including erection of RCC column upto ground floor level without any sanction plan. The department issued notice under Section 401 of the Kolkata Municipal Corporation Act

on 10th December, 2020. The police has been intimated accordingly.

It appears that the Kolkata Municipal Corporation has already taken steps in response to the complaint of the petitioner and has come to a prima facie opinion that the construction is being made without any sanction plan.

Accordingly, the instant writ petition is disposed of by directing the respondent no. 2 to take steps to deal with such unauthorized construction, 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.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 25th November, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 10021 of 2020 stands disposed of.

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

(Amrita Sinha, J.)