

ORDER SHEET

WPO No.99 of 2021  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

MD. HASIBULLAH  
VS.  
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:  
The Hon'ble JUSTICE AMRITA SINHA  
Date: 22<sup>nd</sup> March, 2021.

Mr. Syed Nasim Aejaaz, Advocate for the Petitioner.

Mr. Gopal Chandra Das, Ms. Manisha Nath, Advocates for K.M.C.

Md. Nauroz Rahber, Advocate for respondent no.11.

The Court:- The petitioner alleges illegal and unauthorized construction by the private respondents in the premises no.13, Ripon Lane, Kolkata- 700016, Ward -61, Borough-VI.

The petitioner alleges that the complaint lodged against such illegal construction has not been taken up for consideration by the Kolkata Municipal Corporation till date.

The learned advocate representing the private respondents submits that application has been made for regularisation of the alleged illegal construction.

The learned advocate representing the Kolkata Municipal Corporation submits, upon instruction, that G+IV storied residential building of height 15.50 meter was sanctioned on the said plot of land. The person responsible had constructed one additional floor over the sanctioned

floor and has also encroached the mandatory open spaces. Notice under Section 401 of Kolkata Municipal Corporation Act, 1980 has been issued to the person responsible and intimation has also been given to the local Police Station. It has been submitted that steps are being taken for issuance of the notice under Section 400 of the Kolkata Municipal Corporation Act.

As it appears that the Kolkata Municipal Corporation has already taken steps in response to the complaint filed by the petitioner, accordingly the instant writ petition is disposed of by directing the competent authority of the Kolkata Municipal Corporation to take prompt necessary steps against 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.

Instruction given by the Executive Engineer (Civil) Building Department, Borough-VI, Kolkata Municipal Corporation is retained with the records.

WPO No.99 of 2021 stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

( AMRITA SINHA, J.)