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ORDER SHEET

WPO 452 of 2019

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PRABIR PALADHI AND OTHERS
VS.
THE KOLKATA MUNICIPAL CORPORATION AND OTHERS

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 20th January, 2021

Appearance:

Mr. P.S. Bhattacharya, Sr. Adv.

Mr. S. Das, Adv.

... for the petitioners

Mr. Ranajit Chatterjee, Adv.

Mr. Subhrangsu Panda, Adv.

... for K.M.C.

Mr. Chandan Kumar Lal, Adv.

... for the respondent no. 9

Ms. Sipra Majumdar, Adv.

Ms. Dipali Halder, Adv.

... for the State

The Court : Learned advocate appearing on behalf of the petitioners submits upon instruction that the respondent no.8 expired on 20th August, 2019. Accordingly, his name stands expunged from the cause-title of the writ petition.

The petitioners complain of illegal and unauthorised construction being carried on in the ground floor of the old dilapidated structure situated at 43/1, 43/2, 43/3, 43/4, 43/5, 43/6, 43/7, 43/8, 43/4/1 and 43/1/1,

Strand Road, Police Station Burrabazar, Kolkata – 700007. The petitioners allege that the objection made before the Kolkata Municipal Corporation against the aforesaid illegal construction has not been considered by the respondent authority till date.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation submits upon instruction that on the basis of complaint received by the department, an inspection of the premises was conducted. Several unauthorised constructions in the form of shops with brick-wall and roof at the ground floor without any sanction plan was detected. The unauthorised construction of the shop room has been made over a common passage of a commercial complex.

A notice under Section 401 of the KMC Act, 1980 vide no.1425 dated 5th January, 2019 was served upon the person responsible. An intimation was also served upon the local Police Station. Notice has also been issued to stop any further unauthorised construction by the department and requisition for imposing round the clock police posting was sent to the Special Commissioner of Police – II, Lalbazar, Kolkata – 700001 on 7th January, 2019. The Deputy Commissioner of Police – Central Division was also intimated on the selfsame date as regards the unauthorised construction. As the illegal construction continued despite the notice to stop work, a second time requisition for round the clock police posting was sent to the Special Commissioner of Police – II, Lalbazar, Kolkata – 700001 on 13th February, 2019 and the Deputy Commissioner of Police – Central Division was also intimated on the same date regarding the unauthorised

construction. The department is taking steps to initiate the proceeding under Section 400 of the KMC Act, 1980.

As it appears from the instruction received from the Kolkata Municipal Corporation that there is already a *prima facie* opinion about unauthorised construction being made in the aforesaid premises, the Kolkata Municipal Corporation is directed to take immediate steps in accordance with law to deal with the aforesaid unauthorised construction. The KMC shall take all necessary steps within a period of eight weeks from the date of the receipt of a copy of this order and shall ensure that the proceedings are concluded not later than six months from the date of communication of the copy of this order. The KMC shall afford opportunity of hearing to the petitioners and all other necessary parties prior to taking any coercive steps in the matter.

WPO 452 of 2019 stands disposed of accordingly.

The instruction sheet given to the learned advocate appearing for the KMC is retained with the records.

(AMRITA SINHA, J.)