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14.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 709 of 2022

**Pranab Kumar Dutta
-versus
The State of West Bengal & Ors.**

**Mr. Anupam Kumar Bhattacharya,
Mr. Sukhendu Banerjee,
Mr. Dilip Kumar Mondal,
Mr. Mritunjay Saha.
...For the Petitioner.**

**Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.
...For the State.**

**Mr. Gopal Chandra Das,
Ms. Shabnam De.
...For the KMC.**

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

None appears on behalf of the private respondents in spite of service.

The petitioner alleges illegal and unauthorized construction at the Premises No.4, Gagan Sarkar Road, Ward No.-34, Borough-3 under the jurisdiction of the Kolkata Municipal Corporation.

Learned advocate appearing for the Kolkata Municipal Corporation has received instruction from his client signed by the Executive Engineer (Civil), Building Department, Borough-III on 12th September, 2022 mentioning that a four storied R.C.C. framed

structure has been constructed without obtaining any sanction plan.

The Corporation has issued stop work notice to the person responsible on 19th August, 2021 and intimation has been given to the Beliaghata Police Station on 19th August, 2021 with request to stop further construction.

Notice has also been issued to the person responsible on 23rd July, 2021 to stop illegal filling of the water body.

Demolition proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 has been initiated.

It appears from the documents annexed to the instruction that show cause notice was issued to the person responsible for making construction and a hearing was conducted on 24th January, 2021.

Sanat Adikari one of the persons responsible for making unauthorized construction, the respondent No.8 herein, appeared in the said hearing.

The Executive Engineer (Civil), Environment and Heritage Department, Kolkata Municipal Corporation has also issued notice to the person responsible on 23rd July, 2021 to restore the land to its original condition before the said development work took place, failing which proceedings shall be initiated against him and he will be liable to be prosecuted under the provisions of the Act and notification issued by the Kolkata Metropolitan Development Authority under the West Bengal Town and Country (Planing and Development)

Act, 1979. The said notice was issued under Section 53 of the aforesaid Act.

The premises in question was duly inspected and a sketch map has also been prepared by the Sub-Assistant Engineer (Civil) on 19th August, 2021.

As it appears that the demolition proceeding has already been initiated against the person(s) responsible, it is incumbent for the Executive Engineer (Civil) to conclude the demolition proceeding in accordance with law and to take immediate necessary steps for removal of the unauthorized construction and to restore the water body to its original position.

Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

Steps taken in the matter shall duly been intimated to the petitioner.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)