

81
11.07.2022
d.p.

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

W.P.A. 1020 of 2022

**Husna Ibrahim
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Rohit Banerjee,
Mr. Aliamash Alim,
Mr. Arindam Paul.
...For the Petitioner.**

**Mr. Rudranil De.
...For KMC.**

**Mr. Santanu Kumar Mitra,
Ms. Jyotsna Roy Mukherjee.
...For the State.**

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

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

The petitioner alleges illegal and unauthorized construction over the Premises No. 32/1, Debendra Chandra Dey Road, Kolkata-700015 under the jurisdiction of the Kolkata Municipal Corporation.

It has been submitted that the private respondent at whose instance the said construction is being made obtained a plan for construction of G+4 storied building. The said person has already constructed the 5th floor and is presently taking steps to construct the

6th floor without obtaining any sanction from the Corporation.

The petitioner objected to the said unauthorized construction by a letter written on 20th December, 2021 to the Corporation and alleges that the same has not been taken into consideration till date.

Learned advocate appearing for the Kolkata Municipal Corporation submits that the Corporation has already issued stop work notice and necessary steps have been taken to deal with such unauthorized construction, in accordance with law.

Learned advocate appearing for the State respondents has obtained instruction from the Officer-in-Charge, Tangra Police Station wherefrom it appears that, on receipt of a complaint from the Corporation, Tangra P.S. Case No. 271 dated 8th October, 2021 under Section 401(A) of the Kolkata Municipal Corporation Act, 1980 has been initiated against the private respondent and others who are responsible for making such unauthorized construction.

The instruction mentions that on physical verification at the spot a complete G+5 storied existing building with residents was found. The police is keeping vigil over the aforesaid plot of land.

As it appears that the Corporation has already taken steps to deal with the unauthorized construction, the Corporation is directed to conclude the said proceeding strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of

three months from the date of communication of a copy of this order.

The concerned Officer shall intimate the parties the fate of the proceeding initiated by the Kolkata Municipal Corporation.

The private respondent is restrained from making any further construction over the said premises and the Officer-in-Charge, Tangra Police Station is directed to keep strict vigil so that no further construction is made thereon till a decision is taken by the Corporation in the matter.

The instruction given by the Officer-in-Charge, Tangra Police Station dated 27th January, 2022 is taken on record.

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.)