

Item No. 63

25.07.2022

Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 3308 of 2022
Abul Basar Molla

v.

The Kolkata Municipal Corporation & Ors.

Md. Sarwar Jahan
Mr. Maidul Islam Kayal
Mr. Sumit Naskar
... for the petitioner.

Mr. Jahar Lal De
Mr. Shamim ul Bari
... for the State.

None appears on behalf of the Kolkata Municipal Corporation despite service.

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

The matter relates to an unauthorized construction in the Premises No. T-64/3, Metiabruz, Yugipara Lane, Ward No. 138, Borough-XV under the jurisdiction of the Kolkata Municipal Corporation.

The grievance of the petitioner is that even though the Kolkata Municipal Corporation has found that unauthorized construction exists at the said premises, steps were not being taken for demolition of the same. Only a hearing notice was given but thereafter no final

order has been either passed or communicated to the petitioner.

It is the specific allegation of the petitioner that despite a finding that there exists unauthorized construction, the private respondents are still carrying on with the unauthorized construction.

Learned advocate representing the private respondents being the persons responsible for making construction submits that final order has already been passed in the matter and the Corporation has detected unauthorized construction of 380.3 Sqm(approx). Direction has been passed for demolishing the four storied unauthorized construction as mentioned in the demolition sketch plan.

The private respondents have preferred an appeal before the Municipal Building Tribunal being B.T. Appeal No. 5 of 2021. The same is pending consideration till date.

As it appears that the order of demolition is under challenge before the Municipal Building Tribunal, accordingly, it will be open for the petitioner to contest the same.

As regards the unauthorized construction that is being carried on at the said premises, the Officer-in-Charge, Rajabagan Police Station is directed to keep

strict vigil to ensure that no construction is carried on at the said premises.

The report filed by the Officer-in-Charge, Rajabagan Police Station be retained with the records.

Affidavit-of-service filed in Court today 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.

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(Amrita Sinha, J.)