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19.09.2022  
d.p.

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

**W.P.A. 4737 of 2022**

**Ratna Dutta & Anr.  
-versus  
The Kolkata Municipal Corporation & Ors.**

**Mr. Kamlesh Jha,  
Ms. Srabani Biswas.  
...For the Petitioners.**

**Mr. Alope Kumar Ghosh,  
Mr. Mihir Kundu.  
...For KMC.**

**Mr. Sudipto Panda,  
Ms. Munmun Tewary.  
...For the State.**

**Mr. Ranajit Jaiswal.  
...For the Private Respondents.**

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

The petitioners are aggrieved by the notice issued under Section 401 of the Kolkata Municipal Corporation Act, 1980 on 22<sup>nd</sup> February, 2022.

By the said notice, the petitioners have been directed to stop forthwith all construction work including addition and alteration at the Premises No. 12D, Radha Kanta Jew Street, Ward No. 12, Kolkata-700004 as the same was being carried on without any sanction.

Learned advocate appearing for the petitioners submits that no construction work is being carried out by the petitioners.

Learned advocate appearing for the private respondents at whose instance the aforesaid notice was issued, complains that the petitioners were trying to construct staircase from the ground floor to the first floor of the said premises without obtaining any sanction.

As it appears that a stop work notice has been issued and the petitioners submit that they are not making any construction work, accordingly, the Sub-Assistant Engineer (Civil), Building, the respondent no.2 herein is directed to cause an inspection of the property in question upon giving prior notice to the petitioners as well as the representatives of the private respondents and to ascertain as to whether any unauthorized construction work has been made at the instance of the petitioners.

In the event it appears that there is any unauthorized construction made by the petitioners, necessary steps shall be taken by the aforesaid respondent to deal with the same in accordance with law.

If it ultimately transpires that there is no unauthorized construction as complained, then the aforesaid respondent shall take steps to recall the notice under Section 401 of the Kolkata Municipal Corporation Act, 1980.

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.)**