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02.08.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 4849 of 2022

**Sri Swapan Kumar Biswas
-versus
The State of West Bengal & Ors.**

**Mr. Sanjoy Mukherjee,
Mr. Dhananjay Nayek.
...For the Petitioner.**

**Mr. Srijan Nayak,
Mr. Saurav Chaudhuri.
...For the Municipality.**

**Mr. Partha Pratim Roy,
Mr. Anirban Das.
...For the Private Respondents.**

**Mr. Rajarshi Basu.
...For the State.**

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

The matter relates to Premises No. 6/25, Poddar Nagar, Ward No. 93, Borough-X under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner alleges that the private respondents are making unauthorized and illegal construction thereon without obtaining any sanction from the Kolkata Municipal Corporation.

The petitioner alleges that the representation filed by the petitioner against such unauthorized

construction remains unattended by the respondent authority.

Learned advocate appearing for the private respondents denies the allegation of unauthorized construction.

Learned advocate appearing for the Kolkata Municipal Corporation submits a report before this Court signed by the Sub-Assistant Engineer (Civil), Assistant Engineer (Civil) and the Executive Engineer (Civil)/Building/Borough-X, Kolkata Municipal Corporation wherein it has been mentioned that during inspection of the said premises it was observed that Anita Ghosh, person responsible, has constructed one storied R.C.C. frame structure with column upto second floor level without any sanctioned plan from the Kolkata Municipal Corporation.

The department issued notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 dated 6th January, 2022 and intimation was sent to the Jadavpur Police Station on 6th January, 2022. Demolition proceeding under Section 400 (1) of the Kolkata Municipal Corporation, 1980 was initiated against the premises. Notice was given to the person responsible and the matter has been placed before the Special Officer (Building) for hearing and further proceeding.

Learned advocate appearing for the petitioner submits that no notice of hearing was ever issued to him.

Be that as it may, as it appears that the Kolkata Municipal Corporation has conducted a spot inspection

and has detected unauthorized construction, accordingly, the respondent no. 4 being the Executive Engineer (Building) is directed to take steps further to the inspection report prepared by the engineers of the Kolkata Municipal Corporation to deal with the unauthorized construction, in accordance with law, after giving reasonable opportunity of hearing to the petitioner and the other necessary parties, at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The action taken in the matter shall be forwarded to the parties immediately thereafter.

The writ petition stands disposed of.

The report filed by the Kolkata Municipal Corporation in Court today be kept with the records.

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

(Amrita Sinha, J.)