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29.11.2022
d.p.

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

W.P.A. 6036 of 2022

**Biswanath Das
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Subhrangsu Panda,
Ms. Mithu Singha Mahapatra.
...For the Petitioner.**

**Mr. Malay Singh,
Ms. Neelam Singh.
...For the State.**

**Ms. Koyeli Bhattacharyya,
Ms. Ina Bhattacharyya.
...For KMC.**

**Mr. Santanu Deb Roy.
...For the Private Respondents.**

The petitioner complains of illegal and unauthorized construction at the instance of the respondent Nos. 5 to 8 at Premises No. 133C, Raja Rajendra Lal Mitra Road, Ward No.-29, Borough-III under the jurisdiction of the Kolkata Municipal Corporation.

Allegation is that the construction has been made without any sanction plan.

Learned advocate appearing for the private respondents is not ready with proper instructions.

Learned advocate appearing for the Kolkata Municipal Corporation has filed a report before this Court signed by the Executive Engineer (Civil)/Building Department, Borough-III mentioning that departmental inspection revealed that there is a four storied existing building which is fully occupied. On demand no valid document could be produced in support of sanction of the aforesaid building. Demolition proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 has been initiated.

As it appears from the report filed by the Executive Engineer (Civil) that there is no sanction in support of the construction that has been made at the aforesaid premises, accordingly, the Executive Engineer (Civil) is directed to proceed in accordance with law to deal with the unauthorized construction upon giving prior notice of hearing to all the necessary parties.

The proceeding to be initiated by the Corporation shall be concluded at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

A formal order shall be passed and communicated to all the necessary parties.

Instruction given by the Executive Engineer (Civil)/Building Department and the Officer-in-Charge, Beliaghata Police Station be retained with the records.

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.)