

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

W.P.A. No. 6264 of 2022

**Swati Chatterjee
-versus
The State of West Bengal & Ors.**

Mr. Supratik Basu,
Mr. Shuvam Shaw,
Ms. Bratati Pramanick
...For the Petitioner

Mr. Fazlul Haque,
Mr. Sourav Chowdhury
...For the K.M.C.

Mr. Rishabh Karnani,
Ms. R. Dutta
...For the respondent no. 7

The petitioner alleges illegal and unauthorized construction at the instance of the respondent no. 7 at 3/1, Raj Krishna Chatterjee Road, Kolkata-700042, Ward No. 67, Police Station - Kasba, under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner filed representation before the Kolkata Municipal Corporation on March 24, 2022 and alleges that the same has not been taken up for consideration till date.

The learned Advocate representing the Kolkata Municipal Corporation submits that notice u/s 401 KMC Act, 1980 to stop construction has been issued against the person responsible and steps shall be taken for conclusion of the said proceeding.

The learned Advocate representing the private respondent, at whose instance the alleged construction is being made, denies the allegation of unauthorized construction. It has been submitted that the petitioner does not have the locus to file the present writ petition.

After hearing the submissions made on behalf of the parties, the objection raised by the private respondent with regard to the locus of the petitioner to maintain the present writ petition is overruled. It is settled law that as regards unauthorized construction, objections by the strangers are also maintainable.

The learned Advocate for the Corporation submits that steps have been taken to deal with such unauthorized construction.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 5, being the Executive Engineer (Civil/Building), Borough-VII to take steps to conclude the proceeding initiated by the Corporation for dealing with the unauthorized construction, strictly in accordance with law, after giving a reasonable opportunity of hearing to the petitioner and the person responsible at the earliest, but positively within a period of twelve weeks from the date of communication of this order to the said respondent.

The concerned respondents shall take necessary consequential steps in the matter in accordance with law.

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.

Affidavit-of-service filed in Court today be kept on record.

(Amrita Sinha, J.)