

Item No. 25

20.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7765 of 2022

Md. Shahbaz Siddique

v.

The Kolkata Municipal Corporation & Ors.

Md. Adil Badr

Mr. Sobhan Gani

Md. Aqib Badr

Mr. Prakash Mishra

... for the petitioner.

Mr. Himadri Sikhar Chakraborty

Mr. Tapan Roy

... for the State.

Mr. Arijit Dey

... for KMC.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent nos. 7 to 10.

None appears on behalf of the private respondents.

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

Learned advocate representing the Kolkata Municipal Corporation submits that on receipt of a complaint, the men and agents of the Kolkata Municipal Corporation inspected the premises being No. J-408/A, Hari Babu Pally Lane, Ward No. 133, Borough-XV under the jurisdiction of the Kolkata Municipal Corporation and it was detected that unauthorized construction has been carried out. A stop work notice under Section 401

of the Kolkata Municipal Corporation Act has been served upon the person responsible for making unauthorized construction and intimation given to the Garden Reach Police Station. Steps are being taken under the provisions of Section 400 of the Kolkata Municipal Corporation Act.

As it appears that the Kolkata Municipal Corporation has already taken steps in response to the complaint filed by the petitioner, accordingly, the present writ petition is disposed of by directing the respondent no. 4 being the Executive Engineer of the Kolkata Municipal Corporation, Borough-XV to conclude the proceeding which has been initiated to deal with the unauthorized construction strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioner as well as the other necessary parties and pass a reasoned order within a period of four months from the date of communication of a copy of this order.

The reasoned order shall be communicated to the parties immediately thereafter.

The writ petition stands disposed of.

The report filed by the Assistant Engineer(C)/Bldg/Br-XV and Executive Engineer(C)/Bldg/Br-XV dated September 2, 2022 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)