

19
14.09.2022
d.p.

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

W.P.A. 7977 of 2022

**Sri Bidhan Ray
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Falguni Bandyopadhyay,
Ms. Sreetama Neogi,
Ms. Riya Ballav.
...For the Petitioner.**

**Mr. Alope Kumar Ghosh,
Mr. Swapan Kumar Debnath.
...For KMC.**

**Mr. Joy Chakraborty,
Mr. P.S. Ghosh,
Mr. Sandip Dinda.
...For the Respondent
No. 9.**

A report has been filed by the Executive Engineer (Civil), Building Department, Borough-III, Kolkata Municipal Corporation dated 12th September, 2022 which mentions that at the time of inspection held on 10th September, 2022, it was observed that the remaining portion of the unauthorized construction has not been demolished as yet.

Learned advocate appearing for the respondent Nos. 6, 7 and 8 and the learned advocate appearing for the respondent No.9 jointly submits that no unauthorized construction has been made by them.

Learned advocate appearing for the respondent No. 9 being the developer of the property submits that the constructed portion has already been handed over by the respondent No.9 to the respondent Nos. 6 to 8 who are the occupiers of the property in question.

As none of the private respondents has accepted the liability of making unauthorized construction and all the private respondents disowns the construction that is standing in the premises in question, accordingly, the Kolkata Municipal Corporation is directed to take steps for removal of the unauthorized construction standing at the said premises in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The report filed by the Executive Engineer (Civil) dated 12th September, 2022 be retained with the records.

The Kolkata Municipal Corporation shall be entitled to recover the cost of demolition from the person(s) responsible for making construction under the Public Demand Recovery Act.

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.)