

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8676 of 2022

Suraj Shaw
-versus-
The State of West Bengal & Ors.

Mr. Uday Shankar Bhattacharya,
Mr. Anupam Kumar Bhattacharya,
Mr. Mritunjay Saha
...for the petitioner

Mr. Tapan Coomaar Dey,
Mr. Dwijadas Chakraborty
...for the K.M.C.

Mr. Ahibhushan Chakrabarti,
Mr. Khetra Prasad Mukhopadhyay
...for the State

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

None appears on behalf of the respondent no. 12,
despite service.

The matter relates to the premises no. 96, A.P.C.
Road, Kolkata, Ward No. 38, Borough IV, under the
jurisdiction of the Kolkata Municipal Corporation. The
petitioner alleges illegal and unauthorized construction
over the said premises at the instance of Raja Dhar, the
respondent no. 12 herein.

Learned advocate representing the Kolkata
Municipal Corporation submits that in response to the
complaint lodged by the petitioner before the Kolkata

Municipal Corporation, the men and agents of the Corporation inspected the site and issued stop work notice for the unauthorized construction made thereon.

Information was also given to the police and First Information Report lodged under Section 401A of the Kolkata Municipal Corporation Act against the person(s) responsible for making unauthorized construction. Requisition was sent for round-the-clock police posting. Demolition case has been initiated thereafter. A hearing was scheduled but the party did not attend the said hearing. Subsequently, a demolition order has also been issued and the person responsible has been intimated about the same.

As it appears that the Kolkata Municipal Corporation has acted in response to the complaint filed by the petitioner, accordingly, the instant writ petition is disposed of by directing the concerned officer of the Kolkata Municipal Corporation to take steps to conclude the proceeding which has already been initiated, strictly in accordance with law, after giving reasonable opportunity of hearing to the parties and intimate the parties the fate of the said proceeding.

Steps shall be taken in the matter at the earliest but positively within a period of four months from the date of communication of a copy of this order.

As it appears from the information given by the Kolkata Municipal Corporation that demolition order

has been passed in respect of the unauthorized construction, the Kolkata Municipal Corporation shall ensure that no further construction is being made over the said premises till a decision is taken by the Kolkata Municipal Corporation in this regard.

The instruction given by the Assistant Engineer (Civil) Building Department, Borough IV and V and the Executive Engineer (Civil) Building Department, Borough IV and V, dated June 15, 2022 and June 16, 2022 respectively 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.)