

**Sl. No. 21**  
**10.06.2022**

Court No.24  
B.M.

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

**W.P.A 9691 of 2022**

**Shuvasish Sen Gupta**  
**Versus**  
**Kolkata Municipal Corporation & Ors.**

Mr. Saptanshu Basu, Sr. Adv.  
Mr. Soumyajit Mishra  
Mr. Balarko Sen

... For the petitioner

Mr. Ujjal Ray  
Mr. Nirupam Dutta  
Mr. Ivan Roy  
Mr. Sk. abdul Rahim

... for the respondent no.6

Mr. Swapan Kumar Debnath  
... for the Kolkata Municipal Corporation

The petitioner alleges illegal and unauthorised construction by the private respondent in the premises No.59/3, Prince Golam Hossain Shah Road, Police Station Jadavpur, Kolkata-700 032, Ward No.95, Borough-X under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner raised objection before the Kolkata Municipal Corporation against such illegal and unauthorised construction. The same was enquired into by the men and agents of the Kolkata Municipal Corporation.

A report has been filed before this Court signed by the Sub Assistant Engineer (Civil)/

Building/Borough-X and Assistant Engineer (Civil)/ Building, Borough X dated 1<sup>st</sup> June, 2022. The report mentions that the department after receiving complaint from the petitioner inspected the premises in question and found that the persons responsible have constructed four storied RCC frame structure without any sanctioned plan from the Kolkata Municipal Corporation.

The department has issued notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 being Notice No.909 dated 31<sup>st</sup> May, 2022 and intimation has been given to the Golf Green Police Station on the same date.

Learned advocate appearing on behalf of the private respondents however, submits that the construction has been made in accordance with provision of law. It has further been submitted that no notice under Section 401 of the Kolkata Municipal Corporation Act has been issued upon the private respondent till date. The copy of the sanctioned plan was not produced in Court by the private respondent.

As it appears that the Kolkata Municipal Corporation has already inspected the disputed construction and has come to a specific finding that the same has been made without obtaining any sanction plan from the Corporation and notice under Section

401 of the Kolkata Municipal Corporation Act has already been issued on 31<sup>st</sup> May, 2022, accordingly, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to take necessary steps to deal with such unauthorized construction strictly in accordance with law, after giving opportunity of hearing to all the necessary parties.

As of now, the private respondent, his men, agents or servants are restrained from carrying on any sort of construction in the said premises till an order is passed by the Kolkata Municipal Corporation in this regard.

The Officer-in-Charge, Golf Green Police Station is directed to keep strict vigil over the property to ensure that no unauthorised construction of any manner whatsoever is being carried out in the aforesaid premises.

The writ petition stands disposed of.

The report dated 1<sup>st</sup> June, 2022 filed by the learned advocate for the Kolkata Municipal Corporation in Court today be retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**( Amrita Sinha, J.)**