

Item No. 16

05.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13674 of 2021
Md. Shamim

v.

The Kolkata Municipal Corporation & Ors.

Mr. Santanu Chatterjee
Mr. Rajendra Kumar Nandi
... for the petitioner.

Mr. Susanta Paul
Mr. Ananya Neogi
... for the State.

Mr. Mihir Kundu
Ms. Sabnam De
... for KMC.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondents at 13/H/2, Hossain Shah Road, P.S.-Ekbalpur, Kolkata-700 023.

The petitioner alleges that the objection filed against such unauthorized construction has not been taken up for consideration till date.

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 produces the report signed by the Assistant Engineer (C)/Bldg., Borough-IX wherefrom it appears that after receiving the complaint physical inspection was caused. On enquiry it has been found

that four storied building constructed approximately fifteen years ago is fully occupied. Two additional floors were constructed over the two storied building in deviation of the sanctioned plan. A stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued and intimation given to the Ekbalpur Police Station.

It appears from the report of the Assistant Engineer that indeed unauthorized construction has been detected at the subject premises.

The competent authority of the concerned borough ought to have taken steps in accordance with law for removal of the unauthorized construction. The matter is pending for more than one year and no steps have been taken by the concerned officer of the Corporation.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 4 being the Executive Engineer (Building), Borough-IX of the Corporation to take prompt necessary steps in accordance with law for removal of the unauthorized construction after giving opportunity of hearing to all the necessary parties.

The proceeding shall be concluded and formal order passed at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The learned advocate for the petitioner is directed to forward a copy of the objection filed before the Corporation in the month of June 2021 to the aforesaid respondent at the time communicating the order of the Court.

The writ petition stands disposed of.

Instruction given by the Assistant Engineer be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)