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14.09.2022
d.p.

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

W.P.A 18103 of 2022

**Ram Chandra Basak
-versus
The State of West Bengal & Ors.**

**Mr. Joydip Biswas,
Mr. Soumyadeep Das.
...For the Petitioner.**

**Ms. Piyali Sengupta,
Ms. Amrita Panja Mallick.
...For the State.**

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

**Mr. Md. Sayeed Khan,
Mr. Nakul Ch. Maiti.
...For the Respondent
Nos. 14 and 15.**

A report has been prepared by the Sub-Assistant Engineer (Civil), Building, Assistant Engineer (Civil) and Executive Engineer (Civil), Building, Borough-IV and V dated 12th September, 2022 which mentions that there has been deviation in a portion at the 1st floor of the premises No.65B, Pataldanga Road, Ward No.-37, Borough-V.

The report further mentions that there is more or less six inches space in between the premises No. 67, Pataldanga Street that is the petitioner's house and 65, Pataldanga Street where the construction is being

carried out. The engineer of the Corporation did not find any damage on the wall of the petitioner.

The department has initiated proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980 and has placed the demolition case before the higher authority of Kolkata Municipal Corporation for further processing and a hearing was conducted on 12th September, 2022 at the chamber of the Special Officer (Building).

Learned advocate appearing for the petitioner and the private respondents submits that the representatives of both the parties were duly present at the hearing before the Special Officer (Building) on 12th September, 2022.

As it appears that the matter has already been taken up for consideration by the Special Officer (Building), accordingly, the Special Officer (Building) is directed to conclude the proceeding in accordance with law, at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order and pass a reasoned order and communicate the same to the parties immediately thereafter.

It will be open for the parties to raise all issues before the Special Officer (Building) who is presently deciding the issue of unauthorized construction.

By order dated 7th September, 2022, the Court directed the Officer-in-Charge, Amherst Street Police Station to ensure that no construction is carried out in the premises No. 65, Pataldanga Street. The Officer-in-Charge shall continue to keep strict vigil over the property to ensure that no construction is made thereat

till permission is granted by the Kolkata Municipal Corporation in this regard.

The report filed by the Officer-in-Charge, Amherst Street Police Station dated 14th September, 2022 is taken on record.

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.)