

Sl. No.130
26.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 20548 of 2021

Sk. Aishan Hossain
versus
The Kolkata Municipal Corporation & Ors.

Mr. Ramij Munsif.

... for the Petitioner.

Mr. N.C. Bihani,
Ms. Sabnam De.

... for KMC.

Mr. Bratin Kumar Dey

... for the respondent nos.6 to 10

The petitioner complains that the Kolkata Municipal Corporation has not acted in response to the complaint filed alleging illegal and unauthorised construction at the instance of the respondent nos.6 to 10.

Learned advocate representing the private respondents denies the allegation of the petitioner.

Learned advocate representing the Kolkata Municipal Corporation has filed a report before this Court signed by the Assistant Engineer (Civil)/Building Department, Borough-IX dated 21st December, 2021 which mentions that after receipt of the complaint of unauthorised construction, the premises no.43, Dr. Sudhir Basu Road, Ward No.77, Borough-IX, Police

Station –Watgunj was inspected and the department found that a five storied building has been constructed illegally in place and instead of a two storied building which has been sanctioned. A stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served and the police was intimidated.

As the person responsible continued with the construction work despite stop work notice, First Information Report has been lodged before the Watgunj Police Station.

It appears from the report filed by the Kolkata Municipal Corporation that there has indeed been massive unauthorised construction at the subject premises. The Corporation is directed to take prompt necessary steps in accordance with law to deal with such unauthorised construction. An opportunity of hearing be given to all the necessary parties.

The competent authority of the Kolkata Municipal Corporation shall take steps to conclude the proceeding at the earliest but positively within a period of four months from the date of communication of this order.

As it has already been detected that there has been massive unauthorised construction, accordingly, Officer-in-Charge, Watgunj Police Station is directed to keep strict vigil over the property to ensure that no construction is carried on in the said premises until further order passed by the Corporation in this matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)