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16.11.2022
d.p.

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

W.P.A 19817 of 2022

**Gausia Khatoon
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Maidul Islam Kayal,
Mr. Sumit Naskar.
...For the Petitioner.**

**Mr. Tapan Coomaar Dey,
Mr. Fazlul Haque.
...For KMC.**

**Mr. Nirmalya Dasgupta,
Mr. Rajesh Upadhyay,
Ms. S. Biswas,
Mr. A. Shaw.
...For the Private Respondents.**

**Mr. N.C. Bihani,
Ms. P.B. Bihani.
...For the State.**

The petitioner complains of illegal and unauthorized construction at the instance of the private respondents.

The petitioner alleges that the objection filed against such unauthorized construction at 7H/5, Ahiripukur 2nd Lane, Ward No. 69, Borough-VIII, Kolkata-700019 has not been taken up for consideration till date.

Learned advocate appearing for the respondent Nos. 11 to 15 submits that the respondent No.16 has

expired in the year 2013. The allegation of unauthorized construction has been denied.

Report filed by the Kolkata Municipal Corporation signed by the Assistant Engineer and the Executive Engineer (Civil) Building Department, Borough-VIII, Kolkata Municipal Corporation mentions that the site was inspected by the building department and it was found that RCC framed structure has been constructed at the ground storey to construct a building without any sanctioned plan.

Notice under Section 401 of the Kolkata Municipal Corporation Act was served upon the person responsible with intimation to the police on 25th March, 2022.

Further inspection revealed that construction was being made defying the stop work notice. Action under Section 401 (A) of the said Act has been initiated and FIR lodged against the person responsible on 1st April, 2022. Proceeding under Section 400 of the KMC Act has been initiated.

Recent inspection revealed that the construction has been raised upto 3rd floor. Round-O-Clock police posting has been requested.

From the instruction provided by the engineers of the Kolkata Municipal Corporation, it appears that the private respondents are continuing with the construction work despite repeated stop work notices.

It has been submitted that there is no plan sanctioned for making construction at the premises in question.

In view of the above, the Deputy Commissioner of Police (South-East Division) is directed to keep strict vigil to ensure that no construction in any manner whatsoever is being made at the said premises.

The Deputy Commissioner of Police (South-East Division) shall also take necessary steps against the Officer-in-Charge of the Karaya Police Station who failed to ensure that the stop work notice issued by the Kolkata Municipal Corporation is implemented and will also inquire as to how the construction work could be conducted despite the police being made aware of the unauthorized construction at the subject premises and FIR was filed against the person responsible on 1st April, 2022.

The Kolkata Municipal Corporation shall take necessary steps in accordance with law to deal with the unauthorized construction at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The instruction given by the engineers of the Kolkata Municipal Corporation be taken on records.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)