

07
12.12.2022
d.p.

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

W.P.A 21797 of 2022

**Soumen Bhattacharya
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Debanjan Das.
...For the Petitioner.**

**Mr. Subhrangsu Panda,
Ms. Ina Bhattacharya.
...For KMC.**

**Mr. Sujeet Kumar Maurya,
Mr. Sushil Kumar Maurya.
...For the Respondent
Nos. 4 to 8.**

The petitioner complains of illegal and unauthorized construction.

The report of the Executive Engineer (Civil)/Building Department, Borough-III, Kolkata Municipal Corporation signed on 8th December, 2022 mention that an inspection was conducted at the subject premises.

It was found that a single storied structure had been illegally constructed encroaching the mandatory side open spaces.

The department issued stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on 14th September, 2022 with intimation to the Narkeldanga Police Station. Demolition proceeding under Section 400(1) of the Kolkata Municipal Corporation Act has been initiated.

Learned advocate appearing for the person responsible for making construction submits that an application has been filed before the Corporation seeking regularization of the construction made.

It appears from the report filed before this Court that unauthorized construction has been detected. Accordingly, the Executive Engineer (Civil)/Building Department, Borough-III is directed to conclude the demolition proceeding, strictly in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. A reasoned order shall be passed and communicated to all the necessary parties immediately thereafter.

The Officer-in-Charge, Narkeldanga PS is directed to keep strict vigil over the property to ensure that no construction in any manner whatsoever is carried out at the said premises till the conclusion of the demolition proceeding by the Executive Engineer of the Corporation.

The writ petition stands disposed of.

Instruction given by the Executive Engineer (Civil)/Building Department, Borough-III filed in Court today is taken on record.

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

(Amrita Sinha, J.)