

21.11.2022
17
AN/Ct. No.24

WPA 22017 of 2022

Sk. Kamal
versus
The Kolkata Municipal Corporation & Ors.

Mr. Wasim Ahmed
... for the petitioner

Mr. Achintya Banerjee
Mr. Badal Saha
... for the K.M.C.

Mr. Jahar Dutta
Mr. Bipin Ghosh
... for the State

The petitioner alleges illegal and unauthorized construction at premises no. B/6/H/4/1, Chamru Khansama Lane in Ward No. 65, Borough VII under the jurisdiction of Kolkata Municipal Corporation. The petitioner complains that the construction has been made in deviation of the plan sanction and additional floors have been constructed without obtaining any sanction at all.

None appears on behalf of the private respondent despite service. Affidavit of service filed in Court is taken on record.

A report has been filed by the learned counsel representing the Kolkata Municipal Corporation signed by the Sub-Assistant Engineer, Assistant Engineer and Executive Engineer (Civil)/Building, Borough VII on 12.11.2022 mentioning that a stop work notice under

Section 401 of the K.M.C. Act, 1980 was served upon the present respondents and intimation was given to the Officer-in-Charge, Karaya Police Station for necessary action to stop unauthorized construction. Request for round the clock police posting was sent.

The case has been processed under Section 400(1) of the KMC Act and the Special Officer, Building has already passed an interim order in the demolition case.

Pursuant to an order passed by this Court on 09.12.2021 in WPA 4042 of 2021, a joint inspection was held on 27.06.2022 upon prior intimation to the petitioner as well as the respondents. Inspection was conducted and the report of inspection along with demolition sketch plan has been served upon both the parties. Next date of hearing has been fixed on 28.11.2022.

It appears from the report filed by the engineers of the Corporation that the demolition proceeding is already under progress and the same is scheduled on 28.11.2022.

It is expected that the Special Officer (Building) will dispose of the demolition proceeding in accordance with law, at the earliest, as the time frame fixed by the Court on 09.12.2021 has already expired in the meantime.

As the demolition proceeding is already under progress, the Deputy Commissioner of Police (South East Division) is directed to ensure that no construction in any manner whatsoever is carried on at the subject premises

till the matter is finally disposed of by the Special Officer (K.M.C.).

The instant writ petition stands disposed of. The report filed by the engineers of the Corporation be retained with the records.

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

(Amrita Sinha, J.)