

6.12.2022

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WPA 22905 of 2022

Rashid Hossain
Vs
The State of West Bengal & Ors.

Sk. Md. Ismail

... For the Petitioner.

Mr. Gopal Chandra Das,

Mr. Rudranil De

... For the KMC.

Mr. Jahar Dutta,

Mr. Bipin Ghosh

... For the State.

Ms. Sweta Mukherjee,

Mr. Ratul Das

... For the Respondent Nos. 7 & 8.

Mr. Supratick Syamal,

Mr. Rajarshi Mitra

... For the Respondent No.9.

The petitioner complains of unauthorised construction at Premises No. 19K, Atal Sur Road, Ward No.58, Borough No.VII, Kolkata Municipal Corporation.

The petitioner alleges that the objection filed against such unauthorised construction has not been considered by the Corporation.

Learned Advocate representing the respondent No.9 denies the allegation of the petitioner.

Learned Advocate representing the Municipal Corporation has filed a report before this Court signed by the Sub-Assistant Engineer and the Executive Engineer(C)/Building/Br-VII dated 5th December, 2022 mentioning that departmental inspection revealed that

construction has been made of five storied RCC framed structure without sanction from the department. Stop work notice under Section 401 of KMC Act, 1980 has been issued and intimation given to the local Police Station. The file is under process under Section 400(1) of the KMC Act, 1980.

It appears from the inspection report of the Engineers of the Kolkata Municipal Corporation that indeed there is unauthorised construction without sanction.

The department ought to take steps to deal with such unauthorised construction in accordance with law.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer(C)/Building/Borough No.VII to take prompt necessary steps in accordance with law to conclude the proceeding to deal with the unauthorised construction at the earliest but positively within a period of twelve weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to all the parties.

The writ petition stands disposed of.

Instructions provided by the engineers of the Kolkata Municipal Corporation is taken on record.

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

(Amrita Sinha, J.)