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28.11.2022
d.p.

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

W.P.A 23318 of 2022

**Bikash Gupta
-versus
The State of West Bengal & Ors.**

**Mr. Dipankar Mullick.
...For the Petitioner.**

**Mr. Swapan Kumar Debnath,
Mr. Gopal Chandra Das,
Mr. Debangshu Mondal.
...For KMC.**

**Mr. Gopal Chandra Banerjee,
Mr. Amit Ranjan Pati.
...For the Respondent No.8.**

**Mr. Rameshwar Sinha.
...For the Respondent No.9.**

**Mr. Himadri Sikhar Chakraborty,
Mr. Arun Kumar Saha,
...For the State.**

The matter relates to the construction work at 19, Karbala Tank Lane, Ward No.-16, Borough-II under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner alleges that the respondent No.8 is raising construction thereon in an unauthorized manner.

The petitioner complains that the objection filed before the Kolkata Municipal Corporation has not been answered till date.

Learned advocate appearing for the respondent No.8 submits, upon instructions, that there is a valid sanction plan and the construction is being made in accordance with the same.

Learned advocate appearing for the respondent No. 9 admits that construction is going on but is not sure as to whether the same is in accordance with the plan sanctioned or not.

Learned advocate appearing for the Kolkata Municipal Corporation has submitted a report before this Court.

It appears therefrom that the premises in question was inspected and it was found that for erection of additional utility area over the existing two storied building, the Corporation granted sanction plan. During construction, the person responsible constructed RCC column in deviation from the plan sanctioned.

Department issued stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 in March 2022.

Further inspection was conducted and it was found that the person responsible has demolished the unauthorized construction work i.e. the RCC column in the 2nd floor.

The report of the Kolkata Municipal Corporation reveals that the unauthorized construction has already been demolished by the person responsible.

The Executive Engineer of the concerned borough is directed to make periodical inspection to ascertain as to whether any unauthorized construction is being made at the subject premises.

No further order is required to be passed in the instant writ petition.

The writ petition stands disposed of.

The instruction given by the Executive Engineer 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.)