

06
02.12.2022
d.p.

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

W.P.A. 24376 of 2022

**Rajesh Mishra & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Prantik Ghorai,
Mr. Ratul Das,
Mr. Abhidipto Tarafdar,
Mr. Sumit Rudra,
Mr. Shoham Sanyal.
...For the Petitioners.**

**Mr. Biswajit Mukherjee,
Ms. Era Ghose.
...For KMC.**

**Ms. Anwari Quraishi,
Ms. Zainab Tahur.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The matter relates to the unauthorized construction at Premises No. B/85/H/22, Narkeldanga North Road, Ward No-29, Borough-III under the jurisdiction of the Kolkata Municipal Corporation.

A report has been placed before this Court signed by the Executive Engineer (Civil)/Building Department, Borough-III mentioning that stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served upon the person responsible on 8th September, 2022 with intimation to the Narkeldanga Police Station. Round the clock police posting was also

imposed to stop further progress of unauthorised construction.

Demolition proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 was initiated and by order dated 21st November, 2022 the persons responsible were directed to demolish the unauthorized construction.

It appears from the submissions made on behalf of the parties that despite stop work notice being served upon the persons responsible, unauthorized construction is continuing in full swing. The concerned police station has failed to take steps to prevent continuation and stop the unauthorized construction.

Order of demolition has already been passed and the same is required to be implemented and the unauthorized construction is liable to be demolished in accordance with law.

The Deputy Commissioner of Police (II), ESD, Kolkata being the respondent no.9 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.

The Corporation is directed to execute and implement the order of demolition at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)