

28.11.2022

51.

Asr

W.P.A 24383 of 2022

**Samir Kumar Dey
Versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Angshuman Chakraborty
Mr. Shivaji Mitra
.....for the Petitioner
Mr. Debjit Mukherjee
Mr. Debangana Dey Nayak**

.....for the KMC

The petitioner alleges illegal and unauthorised construction at premises no. 5/2A, Michael Madhusudan Dutta Street, Kolkata-700023 under ward 76, Borough-IX of the Kolkata Municipal Corporation.

It has been complained that the Corporation is not taking steps to act in response to the objection filed by the petitioner.

None appears on behalf of the private respondent despite service.

Affidavit of service filed in Court be kept on record.

A report is filed by the Executive Engineer (Civil) /Building Department, Borough-IX, Kolkata Municipal Corporation signed on 23rd November, 2022. The report mentions that departmental inspection of the premises revealed that a single storied tin shed 4x10 feet approximately structure has been constructed

attached with the existing three storied building. Tin shed has been constructed in mandatory open space of the exiting building without obtaining any permission or sanction from KMC.

Notice under Section 401 of the KMC Act has been issued directing the person responsible to forthwith stop construction work with intimation to Watganj Police station on 23rd November, 2022.

It appears from the submissions made on behalf of the parties and upon perusal of the documents placed before this Court that unauthorised construction has already been detected.

The Executive Engineer of the concerned Borough is accordingly directed to take steps in accordance with law to deal with the unauthorised construction after giving 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 this order.

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.)