

22
29.11.2022
d.p.

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

W.P.A. 24502 of 2022

**Simran Khatoon
-versus
The State of West Bengal & Ors.**

**Mr. Gopal Chandra Das,
Mr. Rudranil De.
...For KMC.**

**Mr. Gourav Das,
Mr. Debopriyo Chatterjee.
...For the State.**

None appears on behalf of the petitioner at the time of call.

The petitioner in the instant writ petition has prayed for a direction upon the respondent authorities to initiate proceeding for demolition of the illegal construction at Premises No. 11/1, Topsia Road South, Ward No.-59, Borough-VII under the jurisdiction of the Kolkata Municipal Corporation.

Learned advocate appearing for the Kolkata Municipal Corporation has produced the instruction signed by the Sub-Assistant Engineer, Assistant Engineer and Executive Engineer (Civil)/Building, Borough-VII on 18th November, 2022 that on inspection it was found that the person responsible constructed

one additional floor without any sanctioned building plan over the existing three storied building.

Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been issued with intimation to the Officer-in-Charge, Topsia Police Station. Round the clock police posting intimation has been sent to the Joint Commissioner of Police and FIR lodged under Section 401A of the Kolkata Municipal Corporation Act, 1980 on 5th May, 2022.

The case has already been processed under Section 400(1) of the Kolkata Municipal Corporation Act and date of hearing has been fixed on 2nd December, 2022.

As it appears from the instruction provided by the engineers of the Corporation that indeed there is unauthorized construction and proceeding has been initiated under Section 400(1) of the Kolkata Municipal Corporation Act for demolition of the unauthorized construction, accordingly, the Executive Engineer (Civil)/Building Borough-VII is directed to take necessary steps to dispose of the aforesaid proceeding in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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

Instruction given by the engineers of the Corporation and the report filed by the Officer-in-Charge, Topsia Police Station are taken on record.

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.)