

29
29.11.2022
d.p.

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

W.P.A. 24555 of 2022

**Sanjit Biswas
-versus
State of West Bengal & Ors.**

**Mr. Giasul Islam.
...For the Petitioner.**

**Mr. Rabindra Narayan Dutta,
Mr. Hare Krishna Halder.
...For the State.**

**Mr. Debjit Mukherjee,
Ms. Dipanwita Ganguly.
...For KMC.**

**Mr. Iftekar Munshi.
...For the Private Respondent.**

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

Leave is granted to the learned advocate of the private respondent to file vakalatnama in the course of this week.

The matter relates to unauthorized construction at Premises No. 4/1, Nazir Lane, Ward No.-76, Borough-IX under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner alleges that the objection filed before the Corporation is yet to be disposed of.

Learned advocate appearing for the private respondent is yet to receive any instruction from his client.

Learned advocate appearing for the Kolkata Municipal Corporation submits a report signed by the Assistant Engineer (Civil), Borough-XI on 29th November, 2022 mentioning that the subject premises was inspected by the department and it was found that G+3 storied R.C.C. structured building has been constructed in deviation of the plan sanctioned.

Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been served upon the person responsible with intimation to the Watgunge Police Station. Proposal under Section 400 of the Kolkata Municipal Corporation Act, 1980 has been prepared and placed before the higher authority for approval.

As it appears that the issue is pending consideration before the concerned engineer of the Kolkata Municipal Corporation, accordingly, the present writ petition is disposed of by directing the respondent No. 4 to take steps to deal with any unauthorized construction at the subject premises strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties.

A formal order shall be passed and communicated to the parties at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The instruction given by the engineer of the Corporation and the Officer-in-Charge, Watgung Police Station be 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.)