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08.12.2022
d.p.

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

W.P.A 23155 of 2019

**Maqsud Alam
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Iqbal Hussain.
...For the Petitioner.**

**Mr. N.C. Bihani,
Mr. Abhishek Sikdar,
Ms. Sahili Dey.
...For KMC.**

An affidavit has been filed by the Executive Engineer (Civil)/Building Department, Borough-XV annexing copy of a notice issued under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 wherefrom it appears that the officer of the Corporation inspected the Premises No. T-100/A and T-96/3, Akra Road (S.A. Farooque Road), Ward No.-138, Borough-XV on 10th November, 2022 and observed that six storied building has already been constructed at the premises.

After consulting the necessary records of the Corporation, it was found that sanction was earlier given for construction of two storied residential building. The person responsible constructed four additional floors and the construction has been made in deviation from the sanction plan.

The Corporation directed the person responsible to demolish the unauthorized construction within fifteen days or to appear on 19th December, 2022 before the Executive Engineer for a hearing along with documents in support of the construction.

The primary contention of the petitioner is that the construction has been made by filling up a tank. No permission for filling up the water body was issued by the Corporation.

As it appears that the Executive Engineer has already taken steps to deal with the unauthorized construction, accordingly, the present writ petition stands disposed of by directing the said officer to conclude the proceeding, strictly 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 the parties immediately thereafter.

As the engineers of the Corporation has already detected unauthorized construction at the aforesaid two premises, accordingly, the Officer-in-Charge of the Rajabagan Police Station 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 till the matter is finally decided by the Executive Engineer of the Corporation.

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.)