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23.12.2022
d.p.

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

W.P.A 26529 of 2022

**Md. Aslam Ansari & Ors.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Aftab Hossain.
...For the Petitioners.**

**Md. Sarwar Jahan,
Mr. Asif Mehidi.
...For the Respondent No.6.**

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

**Ms. Jhuma Chakraborty,
Mr. Aritra Ghosh.
...For the State.**

The petitioner alleges illegal and unauthorized construction at premises no. R-108/2 and R-108/2A, S.A. Farooque Road, Ward No.-137, Borough-XV of the Kolkata Municipal Corporation.

Learned advocate appearing for the Kolkata Municipal Corporation has produced the departmental report by the Assistant Engineer (Civil)/ Building and Executive Engineer (Civil)/Building, Borough-XV signed on 21st December, 2022 wherein it has been mentioned that the premises in question has an old dilapidated Cinema Hall with highly insecure parts on the western

and southern side with several cracks on the ceiling and walls of the structure.

Notice under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 was served upon the owner(s) dated 4th November, 2022 directing to demolish the dangerous portion of the existing structure which is beyond repair.

A report has been filed by the Officer-in-Charge, Metiabruz Police Station signed on 11th December, 2022 mentioning that on physical inspection it was noticed that no construction work was carried on at the aforesaid premises. The condition of the building is highly dangerous.

From the instruction received by the respondent authorities upon physical inspection, it appears that the allegation of the petitioner regarding unauthorized construction, remains unsubstantiated.

The Cinema Hall in question being in a very dilapidated condition has been directed to be demolished.

It will be open for the owner(s) of the said Cinema Hall to take steps to act in accordance with the notice under Section 411(1) of the Kolkata Municipal Corporation Act, 1980.

The writ petition, accordingly, fails and is hereby dismissed.

Instruction given by the Corporation and the Police be retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)