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**I.A./GA 1 OF 2022
With
APOT/16/2022
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE**

MD. EHTESHAM UDDIN
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 7TH FEBRUARY, 2022.

Appearance:

Mr. Sarvapriya Mukherjee, Advocate

Mr. Arif Ali, Advocate

Mrs. Nilofer Siddique Alam, Advocate

Mr. S. Bhattacharjee, Advocate

....for appellant/petitioner.

Mr. R. Chatterjee, Advocate

Ms. Piyali Sengupta, Advocate

....for KMC.

Ms. Sipra Mazumder, Advocate

Ms. P. Ghatak, Advocate

....for State.

THE COURT: The writ petitioner approached the learned single Judge with the grievance that certain illegal constructions were being made by unknown persons in the locality where the writ

petitioner resides. It was submitted that such constructions were being made on government land or thika land without there being any sanctioned plan therefor.

It was submitted on behalf of the Corporation before the learned single Judge that inspection of four concerned properties had been made and unauthorized constructions have been found. Stop Work notice has already been issued and demolition proceedings have been initiated. Learned Judge recorded the aforesaid submissions and observed that since the Corporation has already taken steps pursuant to the complaints made by the petitioner, nothing further remains to be decided in the writ petition, save and except that the Corporation shall reach the proceedings, so far initiated, to its logical conclusion in accordance with law. The learned Judge called for a report from the Corporation and granted liberty to all concerned parties to file objections to such report. The learned Judge left it to the Corporation to take necessary steps.

The writ petitioner, who is the appellant before us, submits that in addition to the relief granted by the learned Judge, it should be clarified that the Corporation and the other respondent authorities shall not permit the unauthorized constructions to continue.

It is the duty of the Kolkata Municipal Corporation and the respondent authorities to ensure that illegal or unauthorized construction is not carried on anywhere within the jurisdiction of the Corporation. We direct the respondent authorities to ensure that the impugned illegal constructions are not continued, in any manner and

nothing is done to facilitate such construction being utilized by anybody, in any manner.

We are sure that the respondent authorities shall discharge their statutory duties in accordance with law.

The appeal and the connected application are accordingly disposed of.

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(ARIJIT BANERJEE, J)

(KAUSIK CHANDA, J.)

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