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**I.A./GA 1 OF 2022
With
WPO/971/2022
IN
APOT/54/2022
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE**

**RAJESH VERMA
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.**

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 2nd May, 2022.

Appearance:

Mr. Raghunath Chakraborty, Advocate
Md. Apzal Ansari, Advocate
....for appellant/petitioner.

Mr. Alok Kr. Ghosh, Advocate
...for KMC.

THE COURT: Affidavit-of-service filed in Court today be
kept with the records.

The writ petitioner/appellant had approached the learned single Judge
with the grievance that the private respondent Nos.6 to 13 had made
unauthorised constructions on footpath maintained by the Kolkata Municipal

Corporation. The writ petitioner/appellant runs a shop-room adjacent to the place where such unauthorized construction has been erected. Such construction is causing severe inconvenience and obstruction to the business of the writ petitioner. A complaint lodged with the Municipal Commissioner has not yielded any result. The learned Judge directed the Corporation to look into the matter and to take appropriate steps after hearing all the parties.

The writ petitioner has come up in appeal being aggrieved by the detailed procedure laid down by the learned Judge in the order under appeal.

Mr.Ghosh, learned Senior Counsel appearing for the Corporation produced records from which we find that the Corporation held a meeting where all concerned parties were heard. An order has been passed for removal of unauthorized constructions. Hence, the writ petitioner's grievance appears to have been redressed.

Let the documents produced by the Corporation be kept with the records.

Mr.Chakraborty, learned advocate for the appellant says that the order that has been passed by the Corporation directs the persons responsible to remove the unauthorized constructions which are encroaching on public road, within a month from April 29, 2022, i.e. the date when the order was passed by the Executive Engineer without, however, saying what will happen in case of default on the part of the persons responsible in removing the unauthorized structures. We direct that in the event, the persons responsible fail to remove the unauthorized constructions or any other encroachment on public road, the Corporation shall forthwith remove such structures and clear the encroachment from public road at the cost and expense of the private

respondents. In such event, if the Corporation officers require police help, they will be at liberty to approach the Officer-in-charge of the jurisdictional police station for assistance and if so approached, the Officer-in-charge shall render full cooperation to the Corporation officers in implementing the present order.

The appeal and the connected application are disposed of accordingly.

(ARIJIT BANERJEE, J)

(KAUSIK CHANDA, J.)