

ORDER SHEET
WPO/2108/2022
IA NO: GA/1/2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ANJU JAISWAL
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 6TH June, 2022.

Appearance :
Mr. Brotindro Mullick, Adv.
Mr. Debnath Ganguly, Adv.
Ms. A. Pratihar, Adv.
Mr. S. Dutta, Adv.
...For the Writ Petitioner

Mrs. Sima Chakraborty, Adv.
Mr. Ambar Banerjee, Adv.
...For the K.M.C.

Mrs. Sipra Majumder, Adv.
Mrs. D. Sen. Bose, Adv.
...For the State

The Court: The petitioner has alleged unauthorised construction in respect of the premises No.96, Acharya Prafulla Chandra Road, Ward No.38, Borough- IV, under the Kolkata Municipal Corporation.

The Kolkata Municipal Corporation has filed a report before this Court signed by the Sub-Assistant Engineer (Civil), the Assistant Engineer (Civil) and Executive Engineer (Civil) dated 13th May, 2022.

It appears therefrom that the Kolkata Municipal Corporation, Building Department issued a building sanction plan on 13th December, 2019 for constructing partly two and partly three storied residential building. On inspection it revealed that the owner Mr.

Debasish Dhar has constructed four storied building in deviation from the sanction plan. A stop construction notice was served on 30th September, 2021 and intimation was sent to the Amherst Police Station on the self-same date.

First information report has also been lodged against the person responsible for making unauthorised construction before the Amherst Police Station. Requisition for round the clock police posting was sent to the Joint Commissioner of Police, Lalbazar.

Deputy Commissioner of Police (North Division) was also intimated about the matter.

A demolition case has been filed and the same is under process for proceeding under the suitable provision of the Kolkata Municipal Corporation Act.

The report mentions that all work at the said premises are lying suspended.

Learned Advocate representing the petitioner submits upon instruction that the construction in the said premises is still on and the 5th floor has also been constructed over and above the illegal 4th floor.

Learned Advocate appearing on behalf of the State respondent has filed a report from the Officer-in-Charge of the Amherst Police Station dated 4th May, 2022. The report however, does not specifically mention whether any construction in the said premises is continuing at present or not.

As it appears that Kolkata Municipal Corporation has already inspected the premises and has come to a conclusive finding that

there is unauthorised construction and steps have already been taken for initiation of the demolition case, accordingly, the Kolkata Municipal Corporation is directed to take necessary steps for removal of the unauthorised construction strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The Officer-in-Charge Amherst Police Station is directed to keep still vigil over the said property and ensure that no further construction is being made thereon.

The Private Respondent No.7 herein has refused service.

Affidavit of service has already been filed in Court.

RE: GA No.1 of 2022

The petitioner has sought for deletion of the name of the respondent No.6 from the cause title of the writ petition. The said prayer of the petitioner stands allowed. The name of the respondent No.6 is deleted from the case title of the writ petition.

The writ petition and the connected application being GA No.1 of 2022 stands disposed of.

The report dated 13th May, 2022 by the Kolkata Municipal Corporation and the report filed by the Officer-in-Charge Amherst Police Station dated 4th May, 2022 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of usual legal formalities.

(AMRITA SINHA, J.)