

ORDER SHEET
W.P.O. No. 2176 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

Md. Ehtesham Uddin
Versus
Kolkata Municipal Corporation & Ors.

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

Mr. Arif Ali with Mr. Sarban Bhattacharjee, Advs.
... for petitioner

Ms. Piyali Sengupta, Advs.
... for KMC

Mr. Debjit Mukherjee with Ms. Susmita Chatterjee, Advs.
... for State respondents

The petitioner alleges illegal and unauthorised construction over the premises no. 168/L, Keshab Chandra Sen Street, Borough-V under the Kolkata Municipal Corporation. The petitioner alleges that the private respondents are responsible for such illegal and unauthorised construction.

In response to the complaint lodged, the officers of the Building department of the Kolkata Municipal Corporation inspected the premises on 20th April, 2022. During inspection it was revealed that construction has been made without any approval of the Kolkata Municipal Corporation. On demand, the persons responsible for making such construction could

not produce any valid document in support of the said construction. Stop Work notice under section 401 of the Kolkata Municipal Corporation Act, 1980 was served on the persons responsible on 20th April, 2022 with intimation to the Amherst Street Police Station on the same day. First Information Report has also been lodged against the persons responsible on 20th April, 2022.

The report which has been filed by the Assistant Engineer (Civil) and the Executive Engineer (Civil) dated 3rd June, 2022 mentions that proceeding has been initiated under the Kolkata Municipal Corporation Act for demolition of the said unauthorised construction.

Copy of the writ petition has been served upon the respondent no.10. Affidavit of Service to that effect, filed in Court today, be kept on record.

As it appears from the report filed by the Kolkata Municipal Corporation that there is illegal and unauthorised construction in the said premises, accordingly, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to take steps strictly in accordance with law to deal with such unauthorised construction. All steps in the matter shall be taken after giving a reasonable opportunity of hearing to the persons responsible for making such unauthorised construction. The Corporation shall take necessary steps to conclude the proceedings at the

earliest, but positively within a period of three months from the date of communication of this order.

The Officer-in-Charge, Amherst Street Police Station is directed to keep strict vigil in respect of the premises in question and to ensure that no construction is made in the said premises till a decision is taken by the Kolkata Municipal Corporation in this matter.

The writ petition being WPO/2176/2022 is disposed of.

The report dated 3rd June, 2022, filed by the Kolkata Municipal Corporation and the report filed in by the Officer-in-Charge, Amherst Street Police Station dated 24th May, 2022 in Court today, be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(AMRITA SINHA, J.)