

WPO No. 2334 of 2022  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

RAJIV ROY  
VS.  
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 10<sup>th</sup> August, 2022

Mr. Shailendra Kr. Tiwari, Mr. Arindam Paul, Mr. Balarko Sen, Advocates  
for the petitioner.

Mr. Rudranil De, Mr. Debangshu Mondal, Advocates for K.M.C.

Mr. Abhijit Ray, Mr. Shubham Gupta, Advocates  
for the private respondent nos. 6 & 7.

The Court:-The petitioner alleges unauthorized and illegal construction.

Pursuant to the direction passed by the Court, the Assistant Engineer (Civil)/Building and the Executive Engineer (Civil)/Building/Borough- IV & V have signed a report on 8<sup>th</sup> August, 2022.

It appears therefrom that the men and agents of the Building Department of the Kolkata Municipal Corporation inspected the site at premises no.15, Maharana Pratap Sarani (Indian Exchange Place), Kolkata – 700 001 in Ward no.45, Borough-V and detected unauthorised construction. A stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served on the person(s) responsible for making construction on 30<sup>th</sup> May, 2022 and an intimation slip has also been sent to Hare Street Police Station on the said date. Subsequently, a demolition case filed has been processed for action under the provision of Section 400 of the Kolkata Municipal Corporation Act, 1980.

It appears from the report that the Corporation has already processed the demolition case.

Learned Advocate representing the respondent nos. 6 & 7 submits, upon instruction that, they are no way connected with the said unauthorised construction or with the property in any manner. They only work for gain under Kothari and Company Pvt. Ltd. which has an office in the subject premises.

Accordingly, the instant writ petition is disposed of by directing the concerned officer of the Kolkata Municipal Corporation to take necessary steps for conclusion of the demolition case strictly in accordance with law, at the earliest, but positively within a period of four months from the date of communication of this order.

Report dated 8<sup>th</sup> August, 2022 filed by the Kolkata Municipal Corporation in Court today is taken on record.

The writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

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

(AMRITA SINHA, J.)