

ORDER SHEET
WPO/3049/2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

Md. Salim Khan & Anr.
Versus
Kolkata Municipal Corporation & Ors.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 13th December, 2022.

Mr. Frizam Yakub, Adv.
... for petitioner.

Mr. Biswajit Mukherjee with
Mr. Anand Farmania, Adv.
... for KMC.

Mr. Debjit Mukherjee with
Ms. Susmita Chatterjee, Adv.
... for State.

Md. Farhaduddin, Adv.
... for respondent no.7.

The writ petitioner has filed the present writ petition praying for implementation of the decision of the Executive Engineer (Civil)/Building/Borough VI, Kolkata Municipal Corporation dated 28th October, 2021.

A report has been furnished before this Court by the Sub-Engineer (Civil), Assistant Engineer (Civil) and Executive Engineer (Civil), Building Department, Borough VI signed on 12th December, 2022 wherein it is mentioned that the subject premises was inspected and it was found that structural work of the building is almost complete except a portion in

the fourth floor level in the western side. The temporary structure in the front side (southern portion) has been removed but the portion of the old structure in the western side is yet to be demolished. The steel bar extended over the open space is not removed.

As it appears that decision was taken by the Executive Engineer way back in October 2021 directing the parties to act in a particular manner and the said decision has not yet been set aside/modified or varied by any competent authority, accordingly, the parties are directed to take steps pursuant to the said decision of the Executive Engineer.

In the event the steps as required to be taken is not taken within a period of 12 weeks from date, then it will be open for the Executive Engineer to take steps in accordance with law to deal with the unauthorised construction at the subject premises.

The writ petition stands disposed of.

The report filed by the Engineers of Kolkata Municipal Corporation dated 12th December, 2022 is retained with the records.

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

(AMRITA SINHA, J.)

