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ORDER SHEET  
WPO No.3252 of 2022  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

OMPRAKASH SHAW @ KULU HALWAY  
-VS-  
STATE OF WEST BENGAL AND OTHERS

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 21<sup>st</sup> December, 2022.

Appearance:

Mr. A. K. Bhattacharya, Adv.  
...for the Petitioner.

Mr. Gopal Chandra Das, Adv.  
Mr. Dwijadas Chakraborty, Adv.  
...for the KMC.

The Court:-Learned advocate representing the Kolkata Municipal Corporation has obtained fresh instruction from the Executive Engineer (Civil), Building Department, Borough-I, Kolkata Municipal Corporation signed on 17<sup>th</sup> December, 2022 mentioning that departmental inspection on 17<sup>th</sup> August, 2022 revealed that two storied RCC framed structure building along with extension of columns over second floor roof level was going on without taking any permission from the Kolkata Municipal Corporation. To stop progress of work, notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served upon the person responsible with intimation to the Shyampukur Police Station.

Recent inspection in December, 2022 revealed that the construction work is going on by ignoring the stop work notice. The two additional floors have been constructed and the building is presently four storied one. Further FIR has been lodged before the police under Section 401A of the

Kolkata Municipal Corporation Act, 1980 and the matter is under progress under Section 400 of the Kolkata Municipal Corporation Act, 1980.

As it appears that the Kolkata Municipal Corporation has already detected unauthorized construction at the subject premises, accordingly, the present writ petition is disposed of by directing the concerned officer of the Kolkata Municipal Corporation to deal with such unauthorized construction in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Instruction given by the Executive Engineer (Civil), Building Department, Borough-I, Kolkata Municipal Corporation dated 17<sup>th</sup> December, 2022 is retained with the 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.)

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