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07.08.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 105 of 2023

**Sajid Ali Khan
-versus
Kolkata Municipal Corporation & Ors.**

**Md. Adil Badr,
Mr. Sobhan Gani,
Md. Aqib Badr,
Mr. Abdul Kalam Chowdhury,
Mr. Shakti Shivam,
Ms. Nafisa Anwar.
...For the Petitioner.**

**Mr. Srijan Nayak,
Ms. Pousali Banerjee.
...For KMC.**

**Mr. Ananda Dulal Sarkar.
...For the State.**

**Mr. Indrajit Bhattacharjee.
...For the Private Respondents.**

The matter relates to certain unauthorized construction carried on at the behest of the private respondents at Premises No. Y2-6/1/B, Mallick Para Lane, P.S.-Rajabagan under Ward No.138, Borough-XV of the Kolkata Municipal Corporation.

The petitioner alleges that the private respondents have raised construction by filling up a water body.

Complaint lodged against such unauthorized construction is alleged to be kept pending.

Learned advocate appearing for the private respondents denies the allegation of the petitioner.

It has been submitted that the construction is being made in accordance with the plan sanctioned by the Kolkata Municipal Corporation.

Learned advocate appearing for the Corporation has obtained instruction from the engineers of the concerned Borough which mentions that on receiving the complaint departmental inspection was carried out at the subject premises.

Inspection revealed that unauthorized construction was made and the construction is in deviation of the plan sanctioned.

A stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served upon the person responsible with intimation to the local Rajabagan Police Station. The file is being processed under Section 400 of the Kolkata Municipal Corporation Act, 1980.

From the submissions made on behalf of all the parties, it appears that unauthorized construction has been detected. The same is liable to be dealt with in accordance with the provisions of the Kolkata Municipal Corporation Act, 1980.

The instant writ petition is accordingly disposed of by directing the Executive Engineer of the concerned Borough to take necessary steps to deal with the

unauthorized construction in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

As the Corporation has already detected unauthorized construction, accordingly, the Officer-in-Charge of the Rajabagan Police Station is directed to keep strict vigil over the property to ensure that no construction in any manner whatsoever is carried on at the subject premises till the matter is finally considered and disposed of by the Corporation.

The instruction forwarded by the engineers of the Corporation signed on 11th July, 2023 is retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)