

ML 250
01.02.2023
d.p.

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

W.P.A 402 of 2022

**Sk. Nazrul Islam
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Debjit Mukherjee,
Ms. Dipanwita Ganguly.
...For KMC.**

None appears on behalf of the petitioner at the time of call.

It appears from the averments made in the writ petition and the documents annexed thereto that the petitioner complains of illegal and unauthorized construction at premises no.V-263/7, Karbala Road, Ward No. 139, Borough-XV, Kolkata Municipal Corporation.

The objection filed by the petitioner is yet to be disposed of by the respondent authority.

Learned advocate appearing for the Kolkata Municipal Corporation has produced a report signed by the Assistant Engineer (Civil)/Building and the Executive Engineer (Civil)/Building, Borough-XV on 30th January, 2023 mentioning that departmental inspection revealed unauthorized construction of additional floor. Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was

served upon the person responsible and intimation given to the Rajabagan Police Station.

The file is under process under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

As it appears from the departmental report that unauthorized construction has been detected, the Executive Engineer (Civil)/Building of Borough-XV is directed to take prompt necessary steps for demolition of the unauthorized construction in accordance with law. An opportunity of hearing shall be given to the person responsible prior to passing any final order in the matter.

The demolition proceeding shall be concluded positively within a period of twelve weeks from the date of communication of a copy of this order.

The Officer-in-charge, Rajabagan Police Station is directed to keep strict vigil over the property to ensure that no construction in any manner whatsoever is made at the subject premises till the matter is finally disposed of by the Corporation.

Since none is appearing on behalf of the petitioner, learned advocate appearing for the Corporation is directed to communicate this order to the concerned Executive Engineer and the Officer-in-Charge, Rajabagan Police Station.

Departmental report signed on 30th January, 2023 be 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.)