

ML 102
10.02.2023
d.p.

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

W.P.A 1584 of 2022

**Basanta Kumar Das & Ors.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Dipankar Guha.
...For the Petitioners.**

**Ms. Koyeli Bhattacharyya,
Mr. Subhrangsu Panda.
...For KMC.**

**Mr. Himadri Sikhar Chakraborty,
Mr. K.M. Hossain.
...For the State.**

An accommodation has been sought for on behalf of the learned advocate appearing for the petitioners.

The Kolkata Municipal Corporation is represented by the learned advocate who is ready with proper instruction.

It appears from the averments made in the writ petition and the documents annexed thereto that the petitioners pray for consideration of the representation filed on 14th June, 2021.

The prayer of the petitioners for regularizing the unauthorized portion of the construction at B/70/H/12, Dr. S.C. Banerjee Road is pending consideration.

Learned advocate appearing for the Kolkata Municipal Corporation has obtained instruction from the Executive Engineer (Civil)/Building Department, Borough-III mentioning that some columns were illegally erected at the subject premises without any sanction/approval from the Corporation.

A stop work notice was issued with intimation to the Narkeldanga Police Station. The unauthorized construction continued defying the stop work notice.

Requisition was made for Round-O-Clock police posting and demolition proceeding has been initiated under Section 400(1) of the Kolkata Municipal Corporation Act, 1980. The date of hearing was fixed before the Special Officer (Building) on 11th February, 2022.

As it appears that the issue of unauthorized construction is being decided by the Special Officer (Building), accordingly, the said officer is directed to take into consideration the prayer of the petitioners for regularization of the unauthorized structure simultaneously.

The Special Officer (Building) shall take all endeavour to conclude the proceedings in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The instruction given by the Executive Engineer (Civil)/Building Department, Borough-III be taken on record.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)