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Ct
No24
AGM

26.06
2023

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

WPA 1964 of 2023

**Prabhat Mondal
Vs
The State of West Bengal & Ors.**

**Mr. Supratik Basu
Mr. Shuvam Shaw
Mr. Samata Chhari**

... for the Petitioner.

**Mr. Atis Kumar Biswas
Mr. Debangana Dey Nayak**

... For the KMC.

Mr. Asish Kumar Guha ... For the State.

**Mr. Dipta Dipak Banerjee
... For the respondent no. 8.**

The petitioner is aggrieved by the inaction on the part of the Kolkata municipal Corporation in taking steps to redress the allegation of the unauthorised construction raised by the petitioner.

Learned advocate for the private respondent submits, upon instruction that, the portion which was held to be unauthorised has since been regularized by the Special Officer (Building) and the private respondent already paid the charges for retention.

It has been submitted that a reconstruction plan has also been sanctioned by the Kolkata Municipal Corporation in favour of the private

respondent.

Copy of the plan is produced in Court. The same is perused and returned to the learned advocate.

Learned advocate for the Kolkata Municipal Corporation submits that the construction in question has already been regularised by the Special Officer (Building) and the fees for retention has been paid by the person responsible.

From the submissions made on behalf of all the parties, it appears that though initially proceeding was initiated under Section 401 of the Kolkata Municipal Corporation Act, 1980 to deal with the unauthorised construction, but the construction in question has been regularised by the competent authority.

Fee for regularization has been paid. At this stage the allegation of the petitioner that the unauthorised construction still exists remains unsubstantiated.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Instruction provided by the Executive Engineer (Civil)/Building/Borough-IV and V signed on 17th June, 2023 be retained with the records.

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

(Amrita Sinha, J.)