

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

W.P.A 2018 of 2023

**Kabir Warsi
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Sounak Bhattacharya
Mr. Tirthankar Mukherjee
... For the petitioner.**

**Mr. Habibur Rahaman
... For the private respondents.**

Mr. S. Panda ... For the KMC.

It appears from the averments made in the writ petition that the petitioner is aggrieved by the inaction on the part of the KMC in taking steps against the illegal construction made at the behest of the private respondents.

Objection was filed before the Corporation in January, 2023 and the same is alleged to be kept pending.

Learned advocate representing the KMC submits, upon instruction from the Engineers of Borough – 9 that the department detected unauthorised construction being made without any sanctioned plan.

Stop work notice under Section 401 of the KMC Act, 1980 has been served upon the person(s)

responsible on 4th January, 2018. Intimation was served upon the Ekbalpur Police Station.

Notice under Section 401A of the KMC Act, 1980 was issued on 04.01.2023 and the file is presently under process under Section 400 of KMC Act, 1980.

As it appears from the documents produced before this Court that unauthorised construction has been detected and steps have been taken to deal with the same, accordingly, the instant writ petition is disposed of by directing the Executive Engineer of the concerned Borough to take necessary steps in accordance with law to deal with the unauthorised construction upon giving 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 this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

The Officer-in-Charge, Ekbalpur Police Station is directed to ensure that construction in any manner whatsoever does not take place at the premises no. 2/1A/H/9 Nawab Ali Lane, Ward No. 78, Borough-9 of the KMC.

Instruction forwarded by the engineers of the Corporation signed on 01.02.2023 be retained with the records.

The writ petition is 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.)