

ML 117
15.02.2023
d.p.

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

W.P.A 2171 of 2022

**Maqsood Alam & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

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

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

Learned advocate appearing for the Corporation submits that on receiving the complaint of unauthorized construction from the petitioners, a departmental inspection was carried out at T-241, Bara Bagan Lane, Ward No.138, Borough-XV of the Kolkata Municipal Corporation.

During inspection of the subject premises it was revealed that construction has been made in deviation from the sanctioned plan dated 16th March, 2020.

Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served upon the person responsible with intimation to the Garden Reach Police Station on 23rd March, 2022.

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

From the instruction provided by the Assistant Engineer (Civil) of the concerned Borough signed on 10th February, 2023, it appears that unauthorized construction was detected way back in March 2022.

Till date the proceeding initiated for dealing with the unauthorized construction is yet to be concluded.

The concerned engineer of the Kolkata Municipal Corporation ought to have taken prompt necessary steps for conclusion of the demolition proceeding and not remain silent after issuance of the stop work notice.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer, Building, Borough-XV of the Corporation to take necessary steps to reach the demolition proceeding to a logical conclusion.

The proceeding shall be concluded 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.

Learned advocate appearing for the Corporation is directed to communicate this order to the concerned Executive Engineer for implementation of the same.

Report of the Assistant Engineer is 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.)