

ML 118
15.02.2023
d.p.

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

W.P.A 2205 of 2022

**Ruhul Amin Molla
-versus
The Kolkata Municipal Corporation & Ors.**

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

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

Learned advocate appearing for the Corporation submits that on receiving the complaint of the petitioner alleging unauthorized construction at S-132, Halder Para Lane, Kolkata-700018, Ward No.137, Borough-XV of the Kolkata Municipal Corporation, an inspection was conducted.

During inspection it was revealed that the person responsible raised a new additional floor over the two storied existing building without any sanction plan. On detection of such unauthorized construction, a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been served with intimation to the local police station.

The file is presently being processed under Section 400 of the Kolkata Municipal Corporation Act, 1980.

It appears from the report filed by the Assistant Engineer (Civil)/Building Borough-XV dated 10th February, 2023 that unauthorized construction has been detected and steps are being taken under Section 400 of the Kolkata Municipal Corporation Act, 1980.

Accordingly, the instant writ petition is disposed of by directing the Executive Engineer, Building, Borough-XV of the Corporation to take necessary steps to conclude the demolition proceeding 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.)