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13.09.2023
d.p.

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

W.P.A. 9329 of 2023

**Md. Irshad Ahmed
-versus
The Kolkata Municipal Corporation & Ors.**

With

W.P.A. 2838 of 2023

**Ashfaque Ahmed
-versus
The State of West Bengal & Ors.**

**Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar.
...For the Petitioners.**

**Mr. Souma Subhra Roy,
Md. Tarique Masool.
...For the Respondent No.7.**

**Ms. Rupsha Chakraborty.
...For the State.**

**Mr. Atis Kumar Biswas.
...For KMC.**

Both the writ petitions are taken up for consideration analogously.

The writ petition being WPA 9329 of 2023 has been filed by the petitioner Md. Irshad Ahmed complaining of illegal and unauthorized construction at premises no. 37/2/H/12 and 37/2/H/13, Watgunge Street, Ward No. 76, Borough-IX of the Kolkata Municipal Corporation.

The allegation is that the objection raised against such unauthorized construction has not been considered till date.

The writ petition being WPA 2838 of 2023 has been filed by Ashfaq Ahmed, the person responsible for making such unauthorized construction, challenging the order of demolition passed by the Executive Engineer (Civil)/Building, Borough-IX on 4th September, 2021 under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

Learned advocate appearing for the Corporation submits that steps have already been taken against the unauthorized construction including all addition/alteration at premises no.37/2/H/13, Watgunge Street. Demolition programme was fixed twice and unauthorized construction was demolished.

Further notice under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 was issued and demolition took place on 30th May, 2023 and 21st August, 2023.

Learned advocate appearing for the person responsible for making construction submits, upon instructions, that challenging the order of demolition, an appeal was preferred before the Municipal Building Tribunal being B.T. Appeal No. 102 of 2023 and the same is pending consideration.

From the submissions made on behalf of all the parties, it appears that some steps have been taken by the Corporation to deal with the unauthorized construction.

The report of the Corporation mentions about unauthorized construction at premises no. 37/2/H/13, Watgunge Street. There is no instruction with regard to the premises no. 37/2/H/12, Watgunge Street.

The Corporation is directed to take all steps for removal of the unauthorized construction from both the aforesaid premises.

The Officer-in-Charge of the Watgunge Police Station is directed to keep strict vigil over the subject property to ensure that no construction in any manner whatsoever is carried on without obtaining leave from the competent authority.

Both the writ petitions stand 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.)