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Ct 2023
No24
AGM

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

WPA 3086 of 2022

**Smt. Saraswati Das & Ors.
Vs
The Mayor, KMC & Ors.**

Mr. Monoranjan Jana

... For the Petitioners.

Mr. Debanik Banerjee

... For the Private Respondent.

Mr. Debjit Mukherjee

Mr. Susmita Chatterjee

... For the KMC.

An accommodation has been sought for on behalf of the learned advocate representing the petitioner.

On a perusal of the writ petition, it appears that the petitioner complains of illegal and unauthorised construction at the instance of the private respondents.

The objection filed against such unauthorised construction is alleged to be kept pending.

Learned advocate representing the private respondents denies the allegation of the petitioners.

The engineers of the KMC have forwarded instruction wherefrom it appears that departmental inspection revealed unauthorised construction and proceeding under Section 400 (1) of the KMC Act has been initiated.

The matter has been placed for hearing before the Special Officer (Building), KMC being D/Case No. 39-D/Br-X/22-23.

As it appears that the department has already detected unauthorised construction and proceeding under Section 400 (1) has been initiated, accordingly, the instant writ petition is disposed of directing the Municipal

Commissioner or his delegate before whom the demolition case is pending to conclude the same 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 this order.

Till the matter is finally decided by the respondent authority, the jurisdictional police station (Lake PS) is directed to ensure that instruction in any manner whatsoever is not carried on at the subject premises.

The writ petition stands 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.)