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14.06.2023
d.p.

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

W.P.A 3699 of 2023

**Md. Zahid
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Syed Nasim Aejaaz.
...For the Petitioner.**

**Mr. Achintya Kumar Banerjee,
Mr. Mihir Kundu.
...For KMC.**

None appears on behalf of the private respondents. Affidavit of service filed in Court today is taken on record.

The petitioner complains of illegal and unauthorized construction of G+5 storied building at B/1/H/11, Ram Mohan Bera Lane, Kolkata-700014, Ward No. 59, Borough-VII under jurisdiction of the Kolkata Municipal Corporation.

The petitioner alleges that the construction has been made without obtaining any sanction from the Kolkata Municipal Corporation.

Complaint was lodged before the Kolkata Municipal Corporation and the petitioner alleges that steps have not been taken to redress his grievances.

The envelope sought to be served upon the private respondents has come back 'unserved' with the postal endorsement 'intimation served'.

Learned advocate appearing for the Kolkata Municipal Corporation has produced an order passed by the Executive Engineer (Civil)/Building Department, Borough-VII on 2nd June, 2023 wherefrom it appears that a hearing was conducted by the said respondent. Representative of the person responsible for making construction was present at the time of hearing on 13th April, 2023.

The construction was found to be made in an unauthorized manner without obtaining any sanction at all.

The Executive Engineer directed the person responsible to demolish the unauthorized construction within 30 days from the date of communication of the order, failing which the Corporation shall take steps for demolishing the same at the cost and risk of the person responsible.

There is no evidence on record to show that the order of demolition was served upon the person responsible.

The Executive Engineer (Civil)/Building Department, Borough-VII is directed to immediately serve copy of the order of demolition upon the person responsible, if not already served.

If the order has already been served upon the person responsible, then the person responsible shall

be bound to comply the same within the time as specified in the said order.

In the event the order of demolition is not acted upon within the specified time limit, then the aforesaid respondent shall take necessary steps for execution of the same in accordance with law.

Copy of page 2 of the order dated 2nd June, 2023 passed by the Executive Engineer (Civil)/Building Department, Borough-VII produced in Court today by the learned advocate representing the Corporation be retained with the records.

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.)