

03
04.04.2023
d.p.

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

W.P.A 4727 of 2023

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

**Mr. Binay Shaw.
...For the Petitioner.**

**Mr. Srijan Nayak,
Ms. Manisha Nath.
...For KMC.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For the State.**

The petitioner filed the present writ petition alleging illegal and unauthorized construction at premises no. 11/1 (South), Topsia Road, Ward No.-59, Borough-VIII under the jurisdiction of the Kolkata Municipal Corporation.

Today, prayer has been made permitting the petitioner to withdraw the writ petition.

The written instruction of the petitioner to his learned advocate be retained with the records.

The writ petition stands dismissed as 'withdrawn' on the prayer made by the petitioner.

The Kolkata Municipal Corporation has forwarded instruction to the learned advocate that the allegation of the petitioner regarding unauthorized construction has been enquired into and unauthorized construction has been detected.

Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 dated 6th March, 2023 directing forthwith stoppage of construction work has been issued upon the person responsible with intimation to the Officer-In-Charge, Topsia Police Station.

The department is processing the case under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

In view of detection of unauthorized construction, the Executive Engineer of the concerned Borough shall proceed to deal with the unauthorized construction in accordance with law notwithstanding the fact that the writ petition has been dismissed as withdrawn.

Instruction provided by the engineers of the Corporation and the report of the Officer-In-Charge, Topsia Police Station are taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)