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16.06.2023
d.p.

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

W.P.A 5035 of 2023

**Smt. Monalisha Nayak @ Monalish Nayek & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Partha Sarathi Maitra.
...For the Petitioners.**

**Mr. Barin Banerjee,
Mr. Gopal Chandra Das,
Ms. Era Ghose,
Ms. Debangana Dey Nayak.
...For KMC.**

**Mr. Malay Singh,
Ms. Neelam Singh.
...For the State.**

The report of the Officer-in-Charge, Narkeldanga Police Station filed in Court today is taken on record.

The matter relates to the premises no. 12/4, Mahesh Barik Lane, Ward No. 30, Borough-III under Kolkata Municipal Corporation.

The petitioners complain of illegal and unauthorized construction at the subject premises and allege that the objection filed against such unauthorized construction has not been considered till date.

Learned advocate appearing for the Kolkata Municipal Corporation has produced instruction from the Assistant Engineer and the Executive Engineer (Civil)/Building of the concerned Borough signed on 14th June, 2023 which mentions that a three storied RCC structure and columns have been raised without any sanction/approval from the Kolkata Municipal Corporation.

A stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served upon the person responsible on 13th June, 2023 with intimation to the Narkeldanga Police Station.

Demolition proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980 has been initiated.

As it appears from the instruction forwarded by the Corporation that unauthorized construction has been detected at the subject premises, accordingly, the concerned Executive Engineer is directed to take steps in accordance with law to deal with the same after giving a reasonable opportunity of hearing to all the necessary parties.

The aforesaid respondent shall endeavour to conclude the proceeding at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.)