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18.04.2023
d.p.

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

W.P.A 5290 of 2023

**Md. Moinuddin Molla & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Shahan Shah,
Mr. Soumen Barman.
...For the Petitioners.**

**Mr. Fazlul Haque,
M. Tanushree Dasgupta.
...For KMC.**

**Mr. Jahar Lal De,
Mr. Shamim Ul Bari.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the private respondent.

The petitioners complain that the private respondent is making reconstruction in the garb of repairing.

Objection filed against such reconstruction work is pending consideration before the Executive Engineer.

Learned advocate appearing for the Corporation submits, upon oral instructions, that no unauthorized construction was detected.

To ascertain the allegation of unauthorized construction, the Executive Engineer (Civil)/Building, Borough-XV, Kolkata Municipal Corporation is directed to cause a spot inspection upon prior notice to both the parties and thereafter, take a decision as to whether the construction made at the behest of the private respondent be treated as unauthorized construction or not.

In the event it appears that unauthorized construction has been made in the garb of repairing work, then necessary steps shall be taken to deal with the same.

All efforts shall be taken to dispose of the prayer of the petitioners at the earliest, but positively within a period of eight weeks from the date of communication of this order.

Learned advocate appearing for the petitioners are directed to forward a copy of the representation dated 1st March, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

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.)