

Item No 29.03
21 2023
Ct No 24
AGM

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

WPA 6466 of 2023

**Zakir Hussin Molla
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Bidhayak Lahiri,
Mrs. Bhaswati Lahiri,
Md. Arif Ansari, ... For the petitioner.

Mr. N. C. Bihani,
Mr. Purnasis Bhuniya, ... For the KMC.

Mr. Moloy Singh,
Mr. Tapas Ballov Mondal, ... for the State.

The petitioner alleges illegal and unauthorised construction at the instance of the private respondent.

The petitioner complains that despite objection lodged before the KMC, no steps have been taken by the authority.

From the instruction forwarded by the Assistant Engineer (Civil/Building), Borough-XV signed on 20.03.2023, it appears that a departmental inspection was carried out to ascertain the allegation of the petitioner. During inspection unauthorized construction was detected.

Stop work notice under Section 401 of the KMC Act, 1980 was served upon the person responsible with intimation to the Garden Reach Police Station. The file is presently being processed under Section 400 of the Act.

None represents the private respondent.

Affidavit-of-service filed today in Court be kept with the records.

As departmental inspection revealed unauthorized construction, accordingly, the Executive Engineer of Borough-XV is directed to take necessary steps to deal with the same.

An opportunity of hearing shall be given to all the necessary parties prior to passing a final order in the matter.

The aforesaid respondent shall take step to conclude the proceeding at the earliest but positively within a period of twelve weeks from the date of communication 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.)