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Ct 2023
No24
AGM

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

WPA 7041 of 2023

**Md. Akbar Ali
Vs
Kolkata Municipal Corporation & Ors.**

Mr. Saurav Chaudhuri
... For the Petitioner

Mr. Rudranil De
Mr. Debangshu Mondal
... For the KMC.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Abhirup Halder
... For the respondent nos. 6 and 7.

Mrs. Anwari Quraishi
Mrs. Zainab Tahur
... for the State.

The petitioner complains of illegal and unauthorised construction at the instance of the private respondents at premises no. 15, Meher Ali Mondal Street, Ward No. 78 under jurisdiction of KMC.

Specific allegation of the petitioner is that construction is being made without maintaining the mandatory side open spaces.

Objection filed before the KMC is alleged to be kept pending.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that construction is being made in accordance with the plan sanctioned by the Corporation.

Learned advocate representing the Corporation has obtained instruction from the Executive Engineer (civil)/Building, Borough – IX signed on 17th April, 2023 which mentions that though a plan has been sanctioned for construction of G+3 storied building, the person

responsible constructed the same on deviation from the sanctioned plan.

A stop work notice under Section 401 of the Act was served upon the person responsible with intimation to the Ekbalpore Police Station.

As it appears from the instruction forwarded by the concerned Executive Engineer that unauthorised construction has been detected, accordingly, the aforesaid respondent is directed to initiate appropriate proceeding to deal with such unauthorised construction in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

Steps shall be taken to conclude the proceeding at the earliest but positively within twelve weeks from the date of communication of this order.

Instruction forwarded by the Executive Engineer of the Corporation and the Officer-in-Charge, Ekbalpore Police Station signed on 17th April, 2023 be kept 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.)