

Item No. 28

04.07.2023
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7115 of 2023
Maqsood Alam
v.
The Kolkata Municipal Corporation & Ors.

Ms. Sima Adhikari
Ms. Kakali Naskar
... for the State.

Mr. Subhrangsu Panda
Ms. Ina Bhattacharyya
... for KMC.

None appears on behalf of the petitioner at the time of call.

From the averments made in the writ petition it appears that the petitioner alleges illegal and unauthorized construction over premises no. 19, Patwar Bagan Lane, P.S.- Amherst Street, Ward No. 37, Borough-V of the Kolkata Municipal Corporation.

Learned advocate representing the Kolkata Municipal Corporation has obtained instruction from the engineers of the concerned borough wherefrom it appears that upon telephonic complaint the department caused spot inspection on February 20, 2023 when it was revealed that unauthorized construction has been made without any approval of the Corporation. Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served on the person responsible on February 20, 2023 with intimation to the Amherst Street Police Station. FIR under Section 401A of the Kolkata Municipal Corporation Act, 1980 was lodged on April 4,

2023 with a letter to the Joint Commissioner of Police (I), Lalbazar for imposing round the clock police posting on May 2, 2023.

Proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980 for demolition of the subject structure was completed and demolition programme carried out on May 23, 2023. Considerable amount of the unauthorized structure has been demolished under the assistance of the Amherst Street Police Station.

A report has been filed by the Officer-in-Charge, Amherst Street Police Station signed on March 29, 2023. The same is taken on record.

It appears from the instruction forwarded by the engineers of the Corporation that substantial portion of the unauthorized construction has already been demolished. The engineers of the Corporation are directed to demolish any further unauthorized construction, if any, at the earliest.

The Officer-in-Charge of Amherst Street Police Station is directed to keep strict vigil over the property to ensure that construction in any manner whatsoever is not carried out in the subject premises without obtaining a proper sanctioned plan from the Corporation.

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.

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(Amrita Sinha, J.)