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13.06.2023
d.p.

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

W.P.A 7853 of 2022

**Gora Chand Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Uttam Kumar Ghosh.
...For the Petitioner.**

**Mr. Dwijadas Chakraborty,
Ms. Manisha Nath.
...For KMC.**

The petitioner complains of illegal and unauthorized construction over a Debottar property at 153 and 153C, Dr. Suresh Chandra Banerjee Road, Kolkata-700010 under Borough-III of the Kolkata Municipal Corporation.

According to the petitioner, the construction of a G+4 storied structure has been made without obtaining any sanction from the Kolkata Municipal Corporation.

The petitioner submits that despite complaints lodged before the Corporation, steps have not been taken against such unauthorized construction.

Learned advocate appearing for the Kolkata Municipal Corporation produces the instruction dated 14th May, 2022 forwarded by the Executive Engineer (Civil)/Building Department, Borough-III wherefrom it

appears that on receipt of complaint of unauthorized construction, the spot was inspected.

On inspection it revealed that brick walls were constructed illegally in the ground floor. The person responsible for making construction failed to produce any document in support of such construction.

Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 dated 4th December, 2020 was served upon the persons responsible for making construction i.e, Biplab Saha @ Bappa and others.

Intimation was also served upon the Beliaghata Police Station and the persons responsible were asked to demolish all unauthorized constructions vide letter dated 14th May, 2022.

The instruction forwarded by the Executive Engineer contains several documents. From the said documents, it is not very clear as to whether any notice or opportunity of hearing was granted to the necessary parties to deal with the allegation of unauthorized construction. Demolition sketch appears to have been prepared.

The instruction mentions about construction being made in the ground floor. The instruction was forwarded more than a year ago.

Learned advocate appearing for the petitioner submits that presently G+4 storied structure has been constructed.

The private respondents remain unrepresented in Court.

In view of the above, the Executive Engineer of the concerned borough is directed to cause fresh spot inspection upon prior notice to all the necessary parties to ascertain the extent and nature of unauthorized construction. Steps shall be taken in the matter in accordance with law to deal with such unauthorized construction.

The aforesaid proceeding shall be concluded at the earliest, but positively within a period of four months 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.)