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Ct
No24
AGM

05.07
2023

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

WPA 8440 of 2023

**Abhiroop Mukherjee
Vs
The Kolkata Municipal Corporation & Ors.**

**Mr. Subir Banerjee
Ms. Tanweer Ahmed Khan
Ms. Heba Parveen**

... for the Petitioner.

Mr. Parikshit Goswami

... For the State.

**Mrs. Sima Chakraborty
Mr. Gopal Ch. Das,**

... for the KMC.

The matter relates to the premises no. 10, Asgar Mistry Lana, Ward No. 59, Borough – VII, under jurisdiction of Kolkata Municipal Corporation.

The petitioner alleges that the private respondents are making construction without obtaining any sanction plan from the Corporation.

Further allegation is that the objection filed against such unauthorised construction is yet to be disposed of.

The writ petition which was sought to be served upon the private respondents has been received by the respondent no. 7 but the service upon the respondent nos. 6 and 8 have returned unserved with the postal endorsement 'addressee cannot be located'.

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

Learned advocate representing the KMC has produced instruction from the Executive Engineer and the Sub Assistant Engineer (Civil)/ Building, Borough – VII signed on 10th May, 2023 which mentions that departmental inspection revealed that the persons responsible erected two storied RCC structure without

sanction.

A stop work notice under Section 401 of the KMC Act, 1980 was issued on 20th April, 2023 with intimation to the Officer-in-Charge, Topsia P.S. on the said date. The matter is being processed under Section 400(1) of the KMC Act, 1980.

Report filed by the Officer-in-Charge, Topsia police station signed on 10.04.2023 is taken on record.

As it appears that the officers of the Corporation detected unauthorised construction at the subject premises, accordingly, the concerned officer of the Corporation is directed to take prompt necessary steps to deal with such unauthorised construction in accordance with law.

The said proceeding shall be concluded 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.)