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18.09.2023
d.p.

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

W.P.A 14830 of 2023

**Subhrajyoti Mallick
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Bratin Kumar Dey,
Ms. Anjana Banerjee,
Mr. Badal Saha,
Mr. Joydeep Das.
...For the Petitioner.**

**Mr. Ranajit Chatterjee,
Mr. Ritesh Kumar Ganguly.
...For the State.**

**Mr. Barin Banerjee,
Mr. P. Bhuniya.
...For KMC.**

None appears on behalf of the private respondent in spite of service.

The petitioner complains of illegal and unauthorized construction at premises no. 29/A/H/9, Chaulpatty Road, Kolkata-10, Ward No. 34, Borough-III under jurisdiction of the Kolkata Municipal Corporation.

Allegation is that the complaint lodged against such unauthorized construction has not been disposed of till date.

Learned advocate appearing for the Corporation relies upon the report forwarded by the engineers of the

Corporation mentioning that notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued on 23rd July, 2023. A complaint was also lodged before the Officer-in-Charge, Beliaghata Police Station on 28th July, 2023.

The person(s) responsible are constructing G+3 storied building without obtaining any sanction at all.

Learned advocate for the Beliaghata Police Station produces instruction from the Officer-in-Charge signed on 5th May, 2023 requesting the Executive Engineer (Civil), Building Department, Borough-III to conduct a joint inspection. According to the police, there is no response from the end of the Corporation.

As it appears that the Corporation has already detected unauthorized construction and issued stop work notice, accordingly, the Executive Engineer is directed to take prompt necessary steps for conclusion of the aforesaid proceeding at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The Officer-in-Charge of the Beliaghata Police Station is directed to keep strict vigil over the property to ensure that no construction in any manner whatsoever is carried on at the subject premises.

The private respondent is restrained from transferring/selling/alienating or creating any third party right in respect of the subject structure.

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.)