

Item No.129(ML)

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

16.01.2023  
Ct-24

WPA 16994 of 2021  
Md. Azaharuddin

v.

The Kolkata Municipal Corporation & Ors.

Mr. Santanu Chatterjee  
Ms. Divya Chatterjee  
Mr. Rajendra Kumar Nandi  
... for the petitioner.

Mr. Gopal Chandra Das  
Mr. Rudranil De  
... for KMC.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondents.

From the instruction forwarded by the Assistant Engineer (C)/Building, Borough-IX dated January 14, 2023 it appears that the engineers of the Corporation detected unauthorized construction and demolition proceeding was initiated under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

An order of demolition was passed by the Special Officer (Building) directing the Building Department, Borough-IX to demolish the entire unauthorized construction. Notice has been issued under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 on January 14, 2023 and the demolition work is scheduled on January 30, 2023.

As it appears from the instruction provided by the Assistant Engineer (C)/Bldg. that steps have already been taken to deal with the unauthorized construction, accordingly, the instant writ petition is disposed of by directing the Building Department, Borough-IX to demolish the entire unauthorized construction on the date scheduled for demolition.

The writ petition stands disposed of.

The report filed by the Kolkata Municipal Corporation is taken on record.

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.)**