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18.09.2023
d.p.

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

W.P.A 16294 of 2023

**Suraj Kumar & Ors.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Subhankar Das,
Mr. Bikram Sarkar,
Mr. Siddhartha Deb Roy,
Ms. Sayani Bose.
...For the Petitioners.**

**Mr. Amitabha Ray,
Ms. Indira Chatterjee.
...For the Respondent
Nos. 12 & 13.**

**Mr. Srijan Nayak,
Mr. Atish Kumar Biswas.
...For KMC.**

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

The matter relates to unauthorized construction at premises no. 316/A, Prantik Pally, Ward No. 107, Borough-XII under jurisdiction of the Kolkata Municipal Corporation.

The petitioners allege that the private respondents made construction in the open spaces.

Allegation is that the objection raised against such unauthorized construction has not been considered till date.

Learned advocate appearing for private respondents denies the allegation of the petitioners.

It has been submitted that two Title Suits in connection with the selfsame issue are pending consideration before the Learned Court below. This writ petition ought not to be entertained.

Learned advocate appearing for the Kolkata Municipal Corporation has received instruction from the Executive Engineer (Civil) signed on 28th July, 2023 wherefrom it reveals that unauthorized construction beyond the sanctioned plan was detected at the time of inspection.

The person responsible converted the car parking area in the ground floor of the G+3 storied building to rooms which were under lock and key at the time of inspection.

Proceeding will be initiated under Sections 400(1) and 416 of the Kolkata Municipal Corporation Act, 1980.

The submission of the private respondents that the writ petition cannot be entertained is not accepted by the Court. The issue of unauthorized construction is required to be decided by the Corporation. The Corporation has inspected the premises and detected unauthorized construction.

The Corporation is liable to take steps to deal with such unauthorized construction in accordance with law.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer (Civil), Borough-XII to take necessary steps to deal with the unauthorized construction in accordance with law, at the earliest, but positively within a period of ten weeks from the date of communication of a copy 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.)