

07
23.03.2023
d.p.

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

W.P.A 18050 of 2021

**Sri Chiranjit Saha
-versus
The State of West Bengal & Ors.**

**Mr. Goutam Roy,
Mr. Kousik Dey.
...For the Petitioner.**

**Mr. Achintya Banerjee,
Mr. Debjit Mukherjee.
...For KMC.**

**Mr. Lalit Mohan Mahata,
Mr. Rudranil De.
...For the State.**

**Mr. Subhabrata Das,
Mr. Kartick Kumar Goyel.
...For the Respondent No.13.**

The notice issued under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 directing the petitioner to show cause as to why the illegal construction beyond the approved sanction plan shall not be demolished is impugned in the present writ petition.

The specific case of the petitioner is that no unauthorized construction is being carried on at his instance.

A report was filed before this Court by the engineers of the Kolkata Municipal Corporation

mentioning that the person responsible already demolished the unauthorized portion.

The Court directed further inspection to be conducted and a report was filed on 20th February, 2023 mentioning that upon inspection, no unauthorized construction could be found.

The Court directed further inspection to be taken and a report has been placed before this Court today. The same mentions that the site was inspected on 22nd March, 2023 in presence of all the parties and no unauthorized construction was found at the subject premises.

Though the private respondents assert that there is unauthorized construction, but the successive reports filed by the Corporation clearly mention that there is no unauthorized construction.

In view of the above, the impugned notices issued by the Kolkata Municipal Corporation stand set aside and quashed.

A copy of the report signed on 22nd March, 2023 by the Deputy Chief Engineer (Civil)/Building/North, Kolkata Municipal Corporation has been circulated amongst the parties.

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.)