

25
13.10.2023
A.G.M.

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

W.P.A 17737 of 2022

**Md. Imran Khan
-versus
Kolkata Municipal Corporation & Ors**

**Mr. Gautam Das
Ms. Madhumita Patra
...For the Petitioner.**

**Mr. Md. Shahbaaz Khan
...For the respondent no. 9.**

**Mr. Gopal Chandra Das
Mr. Subrata Sikdar
...For the K.M.C.**

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

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent. Complaint lodged against such unauthorised construction is yet to be disposed of.

Learned advocate representing the private respondent denies the allegation of the petitioner.

Learned advocate representing the Corporation has obtained instruction from the engineers of Borough VII, which mentions that premises no. 2, Swinhoe Lane, Ward No. 67, Borough-VII was duly inspected and it was found that an old five storied building exists at the

subject premises, which is fully occupied. No sanction plan has been issued from the Corporation.

The department issued stop work notice under Section 401 of the KMC Act, 1980 on 6th July, 2023 with intimation to the local police station. The file is being processed under Section 400 of the Act.

As it appears from the submission forwarded by the Corporation that unauthorised construction has been detected, necessary steps shall be taken by the competent authority to deal with such unauthorised construction in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties.

The proceeding shall be concluded at the earliest but positively within a period of twelve weeks from the date of communication of this order.

As unauthorised construction has been detected, the Officer-in-Charge, Kasba Police Station is directed to keep strict vigil over the property and ensure that construction in any manner whatsoever is not carried out at the subject premises until further 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.)