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Ct No 2023
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AGM

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

WPA 18474 of 2021

**Sk. Akbar Ali & Ors.
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Sandipan Das,
Mr. A. Saha,
Sk. Wasim Raja,
Mr. Badrul Karim,
Mr. Dipankar Das.

... For the petitioners.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.

... For the K.M.C.

Mr. Naba Kumar Das,
Mr. Subhabrata Das.

... For the State.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, a spot inspection was conducted on 24th March, 2023 upon prior notice to the person responsible for making construction at the subject premises.

The departmental inspection report reveals unauthorised construction.

The inspection report mentions that the premises no. J-64/4, Fathepur Village Road, P.O. & P.S.- Garden Reach, Kolkata – 700 024, Ward No. 133, Borough – XV, comprises two R.T.B.W. approximate height of 3 meters, one two storied building with few columns over the first floor roof and a structure upto plinth level with exposed reinforced bar over plinth level.

A stop work notice under Section 401 was served in July 2018 with intimation to the Garden Reach Police Station.

Despite issuance of the spot work notice, the person responsible constructed two storied building, which is presently occupied. The owners and occupiers of the building produced the tax bill receipts but could not produce any sanction plan.

As the inspection report mentions about construction without a valid sanction plan, accordingly, the Executive Engineer (Civil) Building, Borough-XV is directed to take necessary consequential steps to deal with such unauthorised construction in accordance with law.

Reasonable opportunity of hearing shall be provided to all the necessary parties. A final order shall be passed in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

A copy of the departmental inspection report has already been handed over to the learned advocate appearing for the petitioners.

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.)