

08.02.2023
Item No.M/L. 54.
Crt. No.24.
KB

W.P.A. 18893 of 2021

Mr. Osman Ghani
Vs.
The Kolkata Municipal Corporaiton & Ors.

Mr. Syed Nurul Arefin
Mr. Rahul Singh
... For the petitioner.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
... For the State.

Mr. Tapan Cooman Dey
... For the KMC

The petitioner complains that the Kolkata Municipal Corporation is not taking any steps to deal with the unauthorised construction at T/24/1, Palm Avenue, Ward No.65, Borough – VII.

It has been submitted that massive unauthorised construction has been made over thika land without obtaining permission from the Controller, Kolkata Thika Tenancy.

Learned Advocate representing the Kolkata Municipal Corporation has obtained instruction from the Executive Engineer (Civil), Building Department, Borough-VII wherefrom it appears that the demolition

proceeding was initiated in respect of the unauthorised construction at the said premises.

The Special Officer (Building) passed order on 25th July, 2022 directing demolition by one additional floor made over sanctioned three storied building.

A No Objection Certificate was initially issued by the Kolkata Thika Tenancy and thereafter the same was withdrawn.

There is no proof to show that the order of the Special Officer (Building) was communicated to the person responsible for making such construction.

In view of the above, the concerned officer of the Kolkata Municipal Corporation is directed to communicate the order of the Special Officer (Building) to the person responsible so that necessary steps may be taken for compliance of the same.

The aforesaid respondent shall ensure that the construction which has been held to be unauthorised is demolished within a period of three months from the date of communication of this order.

WPA 18893 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Amrita Sinha, J.)