

13.02.2023

sl.no.31

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In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 18368 of 2022

Mr. Surender Pal Singh

Vs.

The State of West Bengal & Ors.

Mr. Rahul Karmakar

Mr. Deobrat Upadhyay

Ms. Munmun Mazumder

... for the petitioner

Mr. Javed K. Sanwarwala

Mr. Shariq A. Sanwarwala

... for the private respondents

Mr. Debjit Mukherjee

Ms. Susmita Chatterjee

... for K.M.C.

Affidavit of service filed in Court is taken on record.

The petitioner complains of illegal and unauthorised construction at 140, Moulana Abul Kalam Azad Sarani, Ward No.30, Borough III under the jurisdiction of Kolkata Municipal Corporation.

Learned Advocate representing the private respondent nos.11 and 12 submits, upon instruction that, the construction is being made in accordance with the plan sanctioned by the Kolkata Municipal Corporation in September, 2018. The plan is valid till September, 2023.

Learned Advocate representing the Kolkata Municipal Corporation has received instruction from the Executive Engineer (Civil) Building Department, Borough

III signed on 7th February, 2023 mentioning that RCC columns were illegally constructed over a four-storied building in deviation of the plan sanctioned. Upon departmental inspection, a stop-work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served on 22nd February, 2022 with intimation to Narkeldanga Police Station. The demolition proceeding under Section 400(1) of Kolkata Municipal Act, 1980 has been initiated.

As it appears from the instruction provided by the Executive Engineer that unauthorised construction has indeed been detected at the subject premises, accordingly, the concerned Executive Engineer is directed to take steps to conclude the demolition proceeding in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The Officer-in-Charge, Narkeldanga Police Station is directed to keep strict vigil over the property to ensure that no construction in any manner whatsoever is carried out at the subject premises till conclusion of demolition proceeding by the Kolkata Municipal Corporation.

The writ petition is disposed of.

The instruction given by the Executive Engineer, Civil, Building Department, Borough III, Kolkata

Municipal Corporation signed on 7th February, 2023 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities

(Amrita Sinha, J.)