

Item No.250

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

26.09.2023
Ct-24

WPA 19489 of 2023
Asraf Hossain

v.

The Kolkata Municipal Corporation & Ors.

Mr. Anand Farmania
Mr. Pujan Kumar Maity
... for the petitioner.

Mr. Atis Kumar Biswas
Ms. Dipanwita Ganguly
... for KMC.

Ms. Debleena Dasgupta
... for the State.

The petitioner complains of illegal and unauthorized construction at 166/H/71/1, Keshab Chandra Sen Street, Ward No. 37, Borough-V under the Kolkata Municipal Corporation.

The petitioner complains that the objection filed against such unauthorized construction has not been taken up for consideration till date.

Learned advocate representing the Kolkata Municipal Corporation relies upon a report signed by the Executive Engineer(C)/Building/Borough-IV & V on September 11, 2023 mentioning that departmental inspection revealed that unauthorized construction without approval from the Corporation was being carried out at the subject premises. Notice was issued under Section 401 of the Kolkata Municipal Corporation Act, 1980 dated May 8, 2015 with intimation to the Amherst Police Station on the same date. FIR was lodged on May

11, 2015 and August 4, 2015 against the person responsible. Demolition programme was carried out on February 23, 2023 and June 24, 2023.

The report mentions that the matter is presently pending consideration before the learned Civil Judge, City Sessions Court vide Case No. 175 of 2023.

The report filed by the Officer-in-Charge, Amherst Police Station signed on August 17, 2023 mentions that the police took immediate steps after receiving complaints from the Kolkata Municipal Corporation. The report mentions that Amherst Police Station Case No. 162 of 2016 dated May 9, 2016 and P.S. Case No. 209 of 2016 dated August 10, 2016 under Section 401A of the Kolkata Municipal Corporation Act, 1980 has been registered against one Md. Anwar.

In 2017 P.S. Case No. 79 dated April 2, 2017 and 164 dated June 24, 2017 under Section 401A of the Kolkata Municipal Corporation Act was registered against Md. Firoz and charge-sheet was submitted against the accused persons.

It appears from the documents annexed to the writ petition and upon perusal of the report of the Corporation and the police that unauthorized construction exists at the subject premises.

The Executive Engineer(C)/Building is directed to take necessary steps for dealing with such unauthorized construction in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this 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.

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(Amrita Sinha, J.)