

Item No. 225(ml)

25.01.2023
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21019 of 2021
Kamran Md. Alfaiz Siddiqui
v.
The Kolkata Municipal Corporation & Ors.

Mr. Bratin Kumar Dey
Mr. Pradeep Pandey
... for the petitioner.

None appears on behalf of the private respondents.

The petitioner complains of illegal and unauthorized construction of the 5th floor (Vivid Tower) premises no. 158B, Ustad Enayat Khan Avenue, Kolkata 700017, P.S.-Beniapukur, Ward No. 64, Borough-VII under the jurisdiction of the Kolkata Municipal Corporation.

Objection was filed by the petitioner in August 2020. The same is yet to be considered.

Learned advocate for the petitioner refers to the communication made by the Executive Engineer(C)/Building, Borough-VII/SPIO dated April 7, 2021 under the Right to Information Act, 2005 that a stop work notice was issued on September 9, 2020 with intimation to the police in March 2021. FIR was also lodged before the local police station. The file was under process under Section 400 of the Kolkata Municipal Corporation Act, 1980.

Learned advocate for the petitioner complains that despite issuance of the stop work notice, the private

respondents are continuing with the unauthorized construction at war footing.

As it appears that the Kolkata Municipal Corporation detected unauthorized construction and issued stop work notice, accordingly, necessary steps ought to be taken by the concerned authority for demolition of the unauthorized construction.

In view of the above, the writ petition is disposed of by directing the respondent no. 3 to take necessary steps in accordance with law for demolition of the unauthorized construction 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 a copy of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the communication dated April 7, 2021 and the copy of the complaint filed before the concerned Executive Engineer on November 4, 2020 at the time of communicating the order of the Court.

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

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.

Sh

(Amrita Sinha, J.)