

Item No.36

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

13.02.2023
Ct-24

WPA 20404 of 2022
Mr. Surender Pal Singh
v.
The State of West Bengal & Ors.

Mr. Rahul Karmakar
Mr. D. Upadhyay
Ms. Munmun Mazumder
... for the petitioner.

Mr. Achintya Banerjee
Mr. Subhasish Sengupta
... for KMC.

The petitioner complains of illegal and unauthorized construction at 11A, Gouri Sankar Ghosal Lane, Ward No. 30, Borough-III under the jurisdiction of the Kolkata Municipal Corporation. The petitioner complains that the objection filed against such unauthorized construction is yet to be disposed of.

None represents the private respondent.

Learned advocate representing the Kolkata Municipal Corporation produces the instruction given by the Executive Engineer (C), Building Department, Borough-III signed on September 19, 2022 mentioning that a four storied residential building was sanctioned at the subject premises in July 2021. During execution of the building, illegal constructions have been made by encroaching the mandatory side open spaces and in deviation from the sanctioned plan. Stop work notice was served upon the person responsible on June 20, 2022 with intimation to the Narkeldanga Police Station

on June 22, 2022. Demolition proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 has been initiated.

It appears from the instruction forwarded by the concerned Executive Engineer that there is indeed unauthorized construction and proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 has already been initiated.

The Executive Engineer (C)/Building Department, Borough-III is directed to conclude the demolition proceeding in accordance with law after giving reasonable opportunity of hearing to all the parties at the earliest, but positively within a period of twelve weeks from the date of communication of a copy 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.)