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Ct 2023
No24
AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 21149 of 2021

**Sailendra Kumar Gupta & Ors.
Vs
The Kolkata Municipal Corporation & Ors.**

**Mr. Shashwat Nayak
Mr. K. N. Jana**

... For the Petitioners.

**Mr. Fazlul Haque
Mr. Badal Saha**

... For the KMC.

From the report filed by the engineers of the Kolkata Municipal Corporation, it appears that the department detected unauthorised construction in one of the floors of the subject structure and demolition sketch has been prepared and the matter is being proceeded under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

As it appears that the Corporation has already taken steps under Section 400 (1) of the Act, accordingly, the Executive Engineer (Building) Department, Borough – VI is directed to conclude the same in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The department is directed to take all necessary consequential steps if the structure is ultimately held to be constructed contrary to the provisions of law.

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.

(Amrita Sinha, J.)