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01.12.2023
Court No. 24
AGM

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

W.P.A 23516 of 2023

**Smt. Badrun Nessa
-versus
The Municipal Mayor,
The Kolkata Municipal Corporation & Ors.**

**Mr. Sujeet Kumar Maurya
Mr. Sushil Kumar Maurya
...For the Petitioner.**

**Ms. Tanusree Dasgupta
...For the K.M.C.**

**Ms. Sima Adhikary
Ms. Oindrila Chatterjee
... For the State.**

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents at 5/2H/33, Bhukailash Road, Ward No. 78, Borough-IX under the jurisdiction of K.M.C.

The petitioner complains that complaint lodged against such unauthorised construction has not been disposed of till date.

None represents the private respondents.

Affidavit-of-service filed in Court today be kept with the records.

Learned advocate representing the KMC has obtained instruction from the engineers of the Borough wherefrom it appears that an inspection was conducted and it was found that construction is going on at the subject premises without obtaining any sanctioned

plan. The department issued stop work notice under Section 401 of the KMC Act, 1980 on 3rd October, 2023 with intimation to Ekbalpore Police Station on the same date.

First Information Report was lodged before the police station on 6th October, 2023 and the file has been processed under Section 400 (1) of the KMC Act.

Learned advocate representing the petitioner submits that after complaint was lodged before the Corporation, the private respondents are threatening the petitioner with dire consequences and pressurizing the petitioner not to proceed with the complaint.

As it appears from the report filed by the engineers of the Corporation that unauthorised construction has been detected, the Executive Engineer is directed to follow up and conclude the proceeding that has been initiated to deal with the unauthorised construction.

Steps shall be taken in the matter in accordance with law and the proceeding shall be concluded at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Officer-in-Charge, Ekbalpore Police Station is directed to keep strict vigil over the property to ensure that construction in any manner whatsoever is not carried out at the subject premises.

The police is also directed to ensure that no harm is caused to the life and property of the petitioner.

Report filed by the Officer-in-Charge, Ekbalpore Police Station be retained with the records.

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.)