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02.01.2023
d.p.

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

W.P.A. 25323 of 2022

**Md. Nasim
-versus
The State of West Bengal & Ors.**

**Mr. Kartik Dey,
Ms. Swheta Maity.
...For the Petitioner.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For KMC.**

**Mr. Sudipto Panda,
Ms. Munmun Tiwary.
...For the State.**

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

The petitioner complains that the objection filed on behalf of the petitioner against the construction carried on at premises no. 247/4, Maniktala Main Road, P.S.-Narkeldanga, Borough-III has not been acted upon by the Kolkata Municipal Corporation.

Learned advocate appearing for the Kolkata Municipal Corporation submits that in respect of the premises no. 247/H/4 stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served upon the person responsible on 3rd August,

2022 with intimation to the Narkeldanga Police Station on 4th August, 2022.

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

As it appears that the Executive Engineer (Civil)/Building Department, Borough-III has already initiated proceeding to deal with the unauthorized construction, accordingly, the present writ petition is disposed of by directing the respondent No.7 being the Executive Engineer (Civil)/Building Department, Borough-III to take steps to conclude the proceeding already initiated in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

Instruction given by the Executive Engineer, Borough-III and the Officer-in-Charge Narkeldanga Police Station dated 29th November, 2022 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.)