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22.09.2023
d.p.

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

W.P.A 25829 of 2022

**Md. Arif.
-versus-
The Kolkata Municipal Corporation & Ors.**

**Mr. Imtiaz Ahmed,
Ms. Ghazala Firdous,
Mr. Aammar Zaki,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan.
...For the Petitioner.**

**Mr. Subhrangshu Panda,
Ms. Suranjana De Sarkar.
...For KMC.**

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

None appears on behalf of the private respondents in spite of service.

A report has been filed by the Executive Engineer (Civil)/Building XII dated 18th September, 2023 clearly mentioning that the person responsible for making construction failed to produce any sanction plan of the 5 storied structure. The said building is not mutated in the assessment record of the Corporation.

The 5 storied building is fully occupied and as per the computer database maintained by the Corporation, no building sanction plan was issued.

The Kolkata Municipal Corporation has initiated proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 and the matter has been placed for hearing.

The Executive Engineer is directed to decide the issue of unauthorized construction in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

As the Corporation has detected unauthorized construction at the subject premises being no. L-9, West Chowbaga, P.S.-Anandapur, ward No. 108, accordingly, the concerned Police Station is directed to keep strict vigil over the property to ensure that no construction in any manner whatsoever is carried on at the subject premises.

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.)