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23.03.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 25965 of 2022

**Tanweer Ahmed & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Alak Kumar Ghosh,
Mr. Dilip Kumar Chatterjee.
...For the Petitioners.**

**Ms. Koyeli Bhattacharyya,
Mr. Subhrangsu Panda.
...For KMC.**

**Mr. Subhabrata Datta, Sr. Adv.,
Mr. Banibrata Datta.
...For the State.**

**Mr. Samir Kumar Chowdhury,
Mr. Sunil Kumar Gupta.
...For the School.**

Learned advocates appearing for the parties submit that a joint spot inspection in compliance of the direction passed by the Court was held on 10th February, 2023. The representatives of both the parties were present at the time of spot inspection.

A report has been prepared and filed in Court by the engineers of the Kolkata Municipal Corporation. The same is taken on record.

Let a copy of the same be circulated amongst the parties for taking necessary action in the matter.

It appears from the report that the department detected certain unauthorized construction and has

prepared a demolition sketch with the infringement statement.

Learned advocate appearing for the private respondents submits, upon instructions that, no unauthorized construction has been carried on at the subject premises and only repairing work was done in accordance with the permission granted by the Corporation.

As unauthorized construction has been detected, the executive engineer of the concerned borough is directed to take steps to deal with such unauthorized construction in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

The proceeding to deal with the unauthorized construction shall be concluded at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

Learned advocate appearing for the petitioners seeks leave to file appropriate application before the Corporation highlighting the illegalities in making construction at the instance of the private respondents which, though pointed out, may not have been taken into consideration by the engineers of the Corporation at the time of spot inspection.

The parties will be entitled to draw the attention of the engineers of the Corporation with regard to all illegalities at the time of making construction when the matter will be taken up for hearing by the concerned authority.

The report filed before the Court mentions that a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued upon the person responsible for making construction and intimation served upon the Park Street Police Station.

The Officer-in-Charge of the Park Street 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 till the matter is conclusively decided by the Corporation.

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.)