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02.01.2023
d.p.

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

W.P.A. 27322 of 2022

**Shyamal Dhar
-versus
The State of West Bengal & Ors.**

**Mr. Uttam Kumar De,
Ms. Writi De,
Ms. Riya De.
...For the Petitioner.**

**Mr. Subhrangshu Panda,
Mr. Dwijadas Chakraborty.
...For KMC.**

**Ms. Sumitra Mukherjee,
Mr. Yash Singhi.
...For the State.**

**Mr. Sailesh Kumar Gupta.
...For the Respondent No.8.**

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

The petitioner complains that the private respondent is making unauthorized construction at premises no.15, Panchanan Tala Lane.

The petitioner alleges that the complaint lodged before the Corporation in December 2022 has not been taken up for consideration till date.

Learned advocate appearing for the private respondent submits, upon instruction that, the construction work is being made in accordance with the

permission granted by the Kolkata Municipal Corporation. It has been submitted that the construction is complete by now.

Learned advocate appearing for the Kolkata Municipal Corporation is yet to receive any instruction in the matter.

The photographs annexed to the writ petition, prima facie, shows that the construction is being made by infringing easementary rights.

It is for the Corporation to ensure that the construction is being made in accordance with the plan sanctioned and not otherwise.

The Corporation is accordingly, directed to take a decision on the complaint lodged on behalf of the petitioner on 6th December, 2022.

The Executive Engineer (Civil)/Building Department, Borough-VI of the Kolkata Municipal Corporation is directed to cause a spot inspection upon prior notice to the petitioner as well as the private respondent to ascertain the allegation made by the petitioner.

Spot inspection shall be conducted within 13th January, 2023.

The report of spot inspection be served upon both the parties by 20th January, 2023.

In the event it transpires that there is any unauthorized construction, then necessary steps shall be taken to deal with the same in accordance with law,

after giving a reasonable opportunity of hearing to both the parties.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

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.)