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18.01.2023
d.p.

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

W.P.A 27362 of 2022

**Falauddin Haider
-versus
The State of West Bengal & Ors.**

**Mr. Md. Nauroz Rahber,
Ms. Salma Khatoon.
...For the Petitioner.**

**Mr. Dilip Chatterjee,
Mr. Mihir Kundu.
...For KMC.**

**Ms. Sonal Sinha,
Mr. Avishek Prasad.
...For the State.**

**Ms. Debarshi Das,
Mr. Munir Ahmed.
...For the Respondent No.10.**

**Mr. Sk. Md. Galib,
Ms. Tanwishree Mukherjee.
...For the Respondent No.7.**

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

The matter relates to unauthorized construction at premises no. 2/3, Shah Aman Lane, Ward No.-78, Borough-IX under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner complains that after filing the objection, the municipal authority only issued a stop

work notice but thereafter did not proceed with the matter any further.

It is alleged that a G+4 storied construction has been made without obtaining any sanction plan at all.

Learned advocate appearing for the person responsible for making construction is not ready with proper instruction.

Learned advocate appearing for the Kolkata Municipal Corporation produces copy of the order dated 10th January, 2023 passed by the Special Officer (Building), Kolkata Municipal Corporation in Demolition Case No. 006-D/Br-IX/19-20 under Sections 400/400(1) and 416 of the Kolkata Municipal Corporation Act.

It appears therefrom that an order of demolition has been passed for demolishing the entire structure as the four storied building was constructed without any sanction.

Learned advocate appearing for the Corporation submits that copy of the order of demolition has been forwarded to the person responsible.

As it appears that the complaint of the petitioner has duly been considered and the Special Officer (Building) passed order for demolition of the unauthorized structure, accordingly, the Corporation is directed to ensure that the unauthorized construction is demolished in accordance with the provisions of law.

As the building in question is suffering an order of demolition, the Officer-in-charge of Ekbalpur Police

Station shall ensure that no further construction/finishing work is carried on at the said premises.

The writ petition stands disposed of.

Copy of the order of demolition produced in Court today be taken on records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)