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07.08.2023
d.p.

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

W.P.A 27451 of 2022

**Rabiuddin Ahmed
-versus
Municipal Commissioner, Kolkata Municipal
Corporation & Ors.**

**Md. Sarwar Jahan,
Mr. S.N. Thander.
...For the Petitioner.**

**Mr. Debjit Mukherjee,
Ms. Dipanwita Ganguly.
...For KMC.**

**Md. Nure Zaman,
Mr. Jahangir Badsha.
...For the Respondent
Nos. 5 and 6.**

The matter relates to certain unauthorized construction at premises no.26C, Ahiripukur Road under Borough-VIII of the Kolkata Municipal Corporation.

According to the petitioner, the construction made at the subject premises is without any sanction.

A complaint was lodged before the respondent authorities in November 2016. The same is yet to be disposed of.

Learned advocate appearing for the private respondents submits, upon instructions, that the

private respondents purchased the said property in the year 2017 along with structure standing thereon. The structure in question is fully tenanted.

The private respondents did not make any construction after purchase of the property in the year 2017.

Learned advocate appearing for the Kolkata Municipal Corporation has received instruction from the Executive Engineer of the Borough that the private respondents have been directed to appear for a hearing on 8th August, 2023 at 3 P.M. with the sanctioned building plan.

The Executive Engineer is directed to conduct the hearing after giving opportunity of hearing to all the necessary parties and thereafter pass a reasoned order in the matter.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 11th June, 2016 to the aforesaid respondent at the time of communicating the order of the Court.

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.)