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14.03.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 28830 of 2022

**Sri Tirthankar Dey
-versus
The State of West Bengal & Ors.**

**Mr. Shahan Shah,
Mr. Gautam Sapui.
...For the Petitioner.**

**Ms. Jhuma Chakraborty,
Mr. Aritra Ghosh.
...For the State.**

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

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

None appears on behalf of the private respondent.

The petitioner complains of illegal and unauthorized construction at premises no.196, Picnic Garden Road, Ward No. -67, Borough-VII under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner alleges that the construction is being made without obtaining any sanction from the Kolkata Municipal Corporation.

A report has been filed before this Court by the Sub-Assistant Engineer (Civil) and the Executive

Engineer (Civil)/Building, Borough-VII signed on 3rd January, 2023 mentioning that after receiving the complaint, the department inspected the premises and noticed that a partly four storied building exist thereon.

Portion of the structure above three storey seemed to be a new construction made without any sanction plan. Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been issued against the person responsible.

As the portion where the construction is being made was under lock and key, the same could not be accessed by the engineers of the Corporation. Further action also could not be initiated.

From the aforesaid instruction it appears that the person responsible for making such unauthorized construction is yet to be identified and proper notice to be issued upon them. Accordingly, the Executive Engineer of the concerned borough is directed to take steps to deal with any construction made unauthorizedly after giving proper notice to the necessary parties.

As the Corporation could not access the portion where the construction is being made as it has been reported to be kept under lock and key, accordingly, the Officer-in-Charge, Kasba Police Station being the respondent No.10 herein is directed to ensure that no construction in any manner whatsoever is carried on at the subject premises till a decision is taken by the Kolkata Municipal Corporation in this regard.

The instruction given by the engineers of the Corporation be retained with the records.

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.)