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ORDER SHEET
WPO No. 514 of 2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

DEB SANKAR KUNDU & ANR.
VS
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 20th March, 2023.

Appearance:
Mr. R. K. Jaiswal, Adv.
...For the Petitioners.

Mr. Achintya Kr. Banerjee, Adv.
Mr. Anand Farmania, Adv.
...For the KMC.

Mr. Sourav Kr. Mukherjee, Adv.
Mr. Falguni Jana, Adv.
...for Respondent Nos. 5 & 6.

The Court:- The petitioners complain of illegal and unauthorized construction at the instance of the respondent nos. 5 & 6. The petitioners allege that the complaint filed before the Kolkata Municipal Corporation in February, 2023 has not been taken up for consideration till date.

Learned advocate representing the private respondents denies the allegations of the petitioners. It has been submitted that the writ petition has been filed with mala fide intention.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instructions received from the Assistant Engineer (Civil), Building Department, Borough-VIII and the Executive Engineer (Civil), Building Department, Borough-VIII signed on 15.03.2023 that departmental inspection revealed the existence of an old two storied building at the premises No. 24/3A, Ramesh Mitra Road, Ward No. 72, Borough No.-VIII, Kolkata-700 025. One asbestos roofed structure was found on the roof of

the existing building. On demand the occupiers of the building failed to produce any documents in support of the construction on the roof top. Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been served upon the persons responsible on 03.03.2023 with intimation to the Bhawanipur P.S. on 04.03.2023. Further departmental action will be taken as per the Kolkata Municipal Corporation Act, 1980.

Learned advocate representing the private respondents submits, upon instruction that, the said stop work notice is yet to be served upon his clients.

As it appears from the instruction forwarded by the engineers of the concerned Borough that certain unauthorized structure has been detected at the roof top of the said building and stop work notice has been issued, accordingly, the Executive Engineer (Civil) of the concerned Borough is directed to take necessary steps to deal with such unauthorized construction in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties. A formal order shall be passed and communicated to the parties.

The aforesaid exercise shall be concluded at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)