

OD-3

ORDER SHEET

WPO No.1656 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WASIM AHMED MIR
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:5th October, 2023.

Appearance:
Mr. Shariq A. Sanwarwala, Adv.
...for Petitioner.

Md. Ziaul Islam, Adv.
Ms. B. Khatoon, Adv.
...for respondent nos.6 & 7.

Mr. Debangshu Dinda, Adv.
...for respondent no.4.[State].

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
... for K.M.C.

Md. Salahuddin, Adv.
Md. Ahsanuzzaman, Adv.
Md. Raziuddin, Adv.
...for Board of Auqaf.

The Court:- The matter relates to premises no.6, Bedford Lane, Ward no.61, Borough-VI under the jurisdiction of the Kolkata Municipal Corporation.

The property in question is a wakf property. The petitioner and the private respondents both claim themselves to be the tenants of the subject premises. The petitioner alleges illegal and unauthorised construction at the instance of the private respondents.

The aforesaid allegation is denied by the private respondents.

The Board of Wakf is not aware as to whether any construction has been made at the instance of any of the parties.

Learned advocate representing the Corporation produces a report signed by three engineers of the Corporation mentioning that the inspection of the subject premises revealed that there is a partly single and partly two storied

building standing thereon. Presently no construction work was going on at the site. A portion in the two storied structure appears to have been constructed in the recent past. Roof of the two storied building is tin shed except a portion with RCC roof. As per the official inspection book of 02/06-07, the structure is single storied.

Learned advocate representing the Police submits that on inspection no raw materials for raising construction were found at the site.

Upon hearing the parties, it appears that an inspection, without notice to any of the parties, was conducted to ascertain the nature and extent of unauthorised construction.

The Executive Engineer of Borough-VI is directed to conduct fresh spot inspection upon prior notice to all the parties including the Board of Wakf. If it transpires that unauthorised construction exists, then necessary steps shall be taken to deal with the same in accordance with law.

The Executive Engineer shall, however, not enter into or decide any private disputes between the parties. Consideration will be restricted only with regard to the issue of unauthorised construction without any sanctioned plan. Steps shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

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

Writ petition stands disposed of.

Affidavit of service filed in Court today be taken on record.

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

(AMRITA SINHA, J.)