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ORDER SHEET

WPO/1766/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. MAQBOOL AHMED
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE JAY SENGUPTA
Date : 2nd November, 2023.
(Vacation Bench)

Appearance:
Mr. Javed Majid, Adv.
...for the petitioner

Mr. Gurudas Mitra, Adv.
Mr. Mihir Kundu, Adv.
Mr. Dwijadas Chakraborty, Adv.
...for KMC

Mr. Arindam Mandal, Adv.
...for the State respondent

Mr. Farooque Ali, Adv.
Mr. Afsar Ali, Adv.
...for respondent no.8

The Court: Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel for the petitioner submits as follows. The private respondents are carrying on illegal construction on a *thika* property in which the petitioner also has rights. A complaint was made before the municipal authorities and the police, but no steps have been taken. However, there is an injunction granted by a Civil Court in favour of the petitioner.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that they have got a sanctioned plan for the construction. In any event, there is an injunction order passed by the Civil Court.

Learned counsel appearing on behalf of the Kolkata Municipal Corporation submits as follows. The municipal authorities had issued a sanctioned plan in favour of the private respondents and it has been found that there is hardly any construction made in pursuance of the same. The municipal authorities have found stagnant water at the site. So, they had issued a stop-work notice.

It appears that a Civil Court has already passed an order of injunction. The petitioner shall be at liberty to take appropriate steps for execution of such order.

However, in the meantime, the respondent police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and also see to it that no order of Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(JAY SENGUPTA, J.)