

OD-5

ORDER SHEET
WPO No.1826 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. SAJJAD
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:14th December, 2023.

Appearance:
Mr. Masood Karim, Adv.
Ms. Anushika Bharati, Adv.
... for the Petitioner.

Mr. Srijan Nayek, Adv.
Mrs. Sima Chakraborty Adv.
... for KMC.

Mr. Syed Nazmul Hossain, Adv.
...for the State.

The Court:- Petitioner complains of illegal and unauthorized construction at premises no. 296/1/H/3, A.P.C. Road, Ward No.28, Borough - IV of the Kolkata Municipal Corporation.

From the instruction forwarded by the Executive Engineer (Civil), Building Department, Borough -IV & V, it appears that a departmental inspection was conducted and it was detected that unauthorized construction was going on. Stop work notice was issued under Section 401 of the Kolkata Municipal Corporation Act, 1980 with intimation to Narkeldanga Police Station. As the unauthorized construction continued defying the stop work notice, FIR was lodged under Section 401A of the Act. Requisition was made for round the clock police posting.

It appears that the department has taken steps to deal with the unauthorized construction and an order of demolition has been passed and served upon the person responsible on 06.12.2023. However, the unauthorized construction is yet to be demolished.

None represents the private respondent.

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

As it appears that the order of demolition has been passed, accordingly, the Corporation is directed to take further necessary steps in accordance with law.

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.)

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