

ML. 131
30.04.2024
Court No. 24
AGM

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

W.P.A 985 of 2024

**Sabir Ali Boddy
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Murari Mohan Ganguly.
... for the Petitioner.**

**Mr. Tapas Kumar Adhikari.
Mr. Rabindra Nath Pal.
... for the State.**

**Mr. Srijan Nayak.
Mrs. Rituparna Maitra.
... For the KMC.**

The petitioner complains of illegal and unauthorised construction at premises no. Y-50, Dr. A. K. Road, P. S. Rajabagan, Ward No. 138, Borough-XV under the KMC.

It has been submitted that after filing the writ petition hearing was conducted by the Executive Engineer (Civil) / Building but final order is yet to be passed.

None represents the private respondents.

Affidavit-of-service filed today be kept with the records.

A report has been filed by the engineers of the Corporation signed on 8th February, 2024 wherefrom it appears that a departmental inspection was conducted and unauthorised construction detected.

Notice Under Section 401 of the KMC Act, 1980 was served with intimation to the local police station in

February, 2019. Despite the stop work notice issued, the construction continued and, accordingly, FIR was lodged under Section 401A of the Act in June 2019. The case is still in the hearing stage before the Executive Engineer.

As it appears that the matter is pending before the Executive Engineer for quite some time, accordingly, the instant writ petition is disposed of by directing the Executive Engineer (Civil)/Building, Borough XV to conclude the hearing in accordance with law at the earliest but positively within a period of three months from the date of communication of this order.

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

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.)