

Item No.19

28.02.2024  
Ct-24

In the High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 10927 of 2023  
Md. Kausar Warsi

v.

Kolkata Municipal Corporation & Ors.

Mr. Sounak Mondal  
Mr. Tirthankar Mukherjee  
Mr. Madhurima Sarkar  
Mr. Urmi Biswas  
... for the petitioner.

Mr. Atish Kumar Biswas  
Mr. Poushali Banerjee  
... for KMC.

The matter relates to unauthorized construction at B/45/H/14, Karl Marx Sarani, Ward No. 77, Borough-IX of the Kolkata Municipal Corporation.

The petitioner submits that the Executive Engineer intimated under the Right to Information Act that an FIR was lodged at Ekbalpore Police Station on September 9, 2022 and order of demolition was passed under Section 400(8) of the Act and demolition carried out on November 17, 2022.

The petitioner submits that after the demolition was carried out, the men and agents of the Corporation are threatening the petitioner to again demolish the construction that has been made.

Learned advocate representing the Corporation has received instruction from the engineers signed on February 27, 2024 wherefrom it reveals that on receiving a complaint departmental inspection was conducted and

it was found that the person responsible constructed three storied residential building without any sanctioned plan. Despite issuing notice to stop work the person responsible continued with the unauthorized construction. Demolition was conducted under Section 400(8) of the Kolkata Municipal Corporation on three occasions.

It has been submitted that the person responsible are continuing with the unauthorized construction despite the same being demolished and in spite of notice issued to stop construction work.

It appears from the submission made on behalf of both the parties and upon perusal of the materials placed before this Court that the petitioner is guilty of raising unauthorized construction.

There is no reason to exercise jurisdiction in the instant writ petition.

The same fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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**(Amrita Sinha, J.)**