

WPA 17299 of 2024

Nasre Alam
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Dinendranath Chatterjee
Mr. Partha Sengupta
Mr. Biswaroop Sengupta

....for the petitioner

Mr. Achintya Kumar Banerjee
Mr. Dipankar Ghosh

....for the KMC

- 1.The affidavit-of-service as filed in Court today is taken on record.
- 2.The report dated 01.08.2024 as submitted by the respondent/KMC is taken on record.
- 3.By filing the instant writ petition, the petitioner alleges illegal construction at premises No. 19, Abinash Sasmal Lane, Post Office and Police Station – Beliaghata under Ward No. – 34, Borough – III.
- 4.On perusal of the report as submitted on behalf of the Kolkata Municipal Corporation, the following is noticed:

“This is case of unauthorized construction without sanction. During departmental inspection on dated 27/08/2022, it was found that the person responsible Habu Saha and others started unauthorized construction of one story RCC frame structure without having sanction from KMC. Accordingly, Stop work notice U/s. 402 of KMC Act, 1980 was served upon Person responsible Habu Saha and others on 27.08.2022. Police intimation was also served on 27/08/2022 to Beliaghata P.S. requesting to stop further progress of unauthorized construction. On recent inspection on 20/07/2024, it was

found that Person responsible was also constructed three additional storey over the structure when stop work notice U/S 402 of KMC Act, 1980 was served.”

5. It thus reveals from the report of the KMC that in the aforementioned building three additional floors have been constructed.
6. The report further reveals that notice under Section 401 of the KMC Act, 1980 has also been issued upon the person responsible who is the private respondent No. 8 herein.
7. Such being the position, while disposing of the instant writ petition, this Court directs the respondent No. 2, that is, the KMC to immediately proceed under Section 400 of the KMC Act, 1980 as against the private respondent and such proceeding is to be concluded within the last day of January, 2025.
8. It is needless to mention that prior to initiation of proceeding under Section 400 of the aforementioned Act, the KMC shall cause notice upon the writ petitioner as well as the private respondent and after hearing them shall pass a reasoned order in accordance with law.
9. The learned advocate for the KMC is requested to communicate this order to the respondent authorities.
10. The respondent authorities are directed to act on the server copy of this order.

(Partha Sarathi Sen, J.)