

WPA 17300 of 2024

**Sunny Rajak
Vs.
The Kolkata Municipal Corporation & Ors.**

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

....for the petitioner

Mr. Gopal Chandra Das
Ms. Debangana Dey Nayak

....for the KMC

1. The affidavit-of-service as filed in Court today is taken on record.
2. By filing the instant writ petition, the petitioner alleges illegal construction at premises no. 2/H/4 Rashmoni Bazar Road, Ward No. 34 under Borough –III of KMC.
3. None appears on behalf of the private respondent despite service.
4. Learned advocate for the KMC on instruction submits before this Court that pursuant to an inspection it reveals that the private respondent and others constructed newly four storied unauthorized frame structure without having sanction from KMC in the aforementioned premises.
5. It is further submitted on behalf of the KMC that stop work notice under Section 401 of KMC Act, 1980 was served upon the private respondent on 02.04.2024 and police was requested to ensure stop work.
6. It is further submitted that a demolition order was also passed by the KMC authority on 18.04.2024 for pulling down the unauthorized construction under Section 400(8) of the KMC Act, 1980 and partial demolition was conducted on 02.05.2024, 03.05.2024, 04.05.2024.

7. Considering the entire scenario as placed before this Court, specifically from the side of the KMC, this Court while disposing the instant writ petition directs the respondent authorities to complete the work of demolition under Section 400(8) of the KMC Act, 1980 positively by last day of January, 2024, unless the private respondent obtains any order of stay from a competent Court of law.
8. Learned advocate for the KMC is hereby requested to communicate this order to the KMC authorities forthwith.
9. KMC authorities are directed to act on the server copy of this order.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Partha Sarathi Sen, J.)