

ML. 61
22.04.2024
Court No. 24
A.G.M.

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

W.P.A 18083 of 2023

**Sadhan Ghosh
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Alope Chatterjee.
Mr. Utpal Basu Mallik.
Mr. Arghya Mullick.
Mr. Muhammad Obaid.
... for the petitioner.**

**Mr. Barin Banerjee.
Ms. Sima Chakraborty.
... For the Kolkata Municipal Corporation.**

**Mr. Anjan Samanta.
Mr. Trishtriya Mancherji.
... For the Respondent No.9.**

The petitioner complaints of illegal and unauthorised construction at premises no. 3A, Panchanan Ghose Lane, P.S. Amherst Street, under Ward No. 38 of the Kolkata Municipal Corporation.

Representation alleging unauthorised construction is pending consideration.

Learned advocate representing the private respondent denies the allegation of the petitioner. It has been submitted that construction has been made in accordance with the plan sanctioned.

Learned advocate representing the KMC relies upon the instruction forwarded by the engineers of Borough IV and V signed on 20th December, 2023 which mentions that a reconstruction sanctioned plan along with puja room and toilet under Circular 9 was

issued for making construction at premises No. 3A, Panchanan Ghose Lane, P.S. Amherst Street. On receiving a telephonic complaint, the department caused spot inspection and unauthorised construction was detected.

A stop work notice has been issued on 5th August, 2023 with intimation to the Amherst Street P.S. Demolition sketch was filed and proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980 has been initiated.

From the submission made on behalf of the parties, it appears that the Corporation detected unauthorised construction.

The Executive Engineer of the Corporation is directed to conclude the proceeding in accordance with law at the earliest but positively within twelve weeks from the date of communication of this order.

The Officer-in-Charge, Amherst Street P.S. is directed to ensure that construction in any manner whatsoever is not carried out at the subject premises till the matter is disposed of by the Corporation.

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.)