

22-04-2024
Item No.71-ML
S.H.
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.21511 of 2023
Bidhubhusan Majumder

-vs-

The Kolkata Municipal Corporation & Ors.

Mr. Gopal Chandra Ghosh
Mr. Ramkrishna Mondal
Ms. Sunandana Saha
...for the petitioner.

Mr. Gopal Chandra Das
Mr. Subhrangsu Panda
...for KMC.

The petitioner complains of illegal and unauthorized construction at premises no. 6/18, Haltu Jadavgarh (Mallick Para), Ward No.106, Borough-XII of the Kolkata Municipal Corporation.

The petitioner alleges that despite lodging complaint no action was taken by the Corporation.

Learned advocate representing the Corporation relies upon the instruction forwarded by the Executive Engineer (Civil) signed on April 8, 2024 mentioning that the provision of Section 400(8) was invoked and a portion of the building has been demolished. The rest could not be demolished as it was found to be occupied.

As it appears that the Corporation has detected unauthorized construction and invoked Section 400(8) of the Kolkata Municipal Act, 1980, accordingly, the Corporation ought to ensure that the entire unauthorized construction is demolished.

The Officer-in-Charge, Kasba Police Station is directed to take steps for vacating the occupants of the

unauthorized structure who are occupying the unauthorized portions.

Notice of vacating shall be affixed at various conspicuous places of the subject property to make the occupants aware of the date of demolition of the structure.

The police will be responsible for removing the occupants from the unauthorizedly constructed portions.

The Corporation and the police should act in tandem and ensure that the unauthorized construction, both internal and external is brought down completely at the earliest but positively by July 31, 2024.

It will be open for the Officer-in-Charge, Kasba Police Station to seek additional police protection from the superior officer.

The writ petition stands disposed of.

Report filed by the Corporation be kept on record.

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

[Amrita Sinha, J]

