

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

W.P.A 21831 of 2023

**Md. Nizamuddin Molla
-versus
The State of West Bengal & Ors.**

**Mr. Joy Chakraborty
Mr. Sandip Dinda
Mr. Ranjit Malakar
...For the Petitioners.**

**Mr. Anand Farmania
Mr. Supriya Majumdar
...For the State.**

**Mr. Gopal Chandra Das
Ms. Ananya Das
...For the KMC.**

**Mr. Arun Kumar Upadhyay
...For the respondent nos. 5 & 6.**

Petitioner complains of illegal and unauthorised construction at A/60/1, West Chowbaga, Ward No. 108, Br-XII within the jurisdiction of the Kolkata Municipal Corporation.

Allegation is that G+4 storied construction has been made without obtaining any sanction from the Corporation. The objection filed by the petitioner before the Corporation is pending consideration.

Learned advocate representing the private respondent is unable to produce the sanctioned plan pursuant to which the construction was made.

Learned advocate representing the Corporation relies upon the instruction forwarded by the Executive Engineer (C)/Bldg/Br-XII filed on 6th May, 2024 which mentions that, unauthorised construction being detected, stop work notice was issued under Section 401 of the KMC Act with intimation to the concerned police station. Demolition work was initiated by invoking Section 400(8) of the KMC Act, 1980 and part demolition took place. The balance demolition could not be done as the building is fully occupied.

As it appears that part demolition has already been conducted, accordingly, the Corporation ought to conclude the balance demolition at the earliest.

The Officer-in-Charge, Anandapur Police Station is directed to remove the occupants from the subject structure so that the same may be demolished. Notice of vacating for demolition of the subject structure shall be affixed by the police at various conspicuous places of the structure to make the occupants aware of the date of demolition. The police will be solely responsible to vacate the occupants from the unauthorisedly constructed portion so that the Corporation can demolish the same.

The demolition shall be conducted at the earliest and the same should positively be concluded by 31st July, 2024. The demolition shall be conducted on day-to-day basis till the entire internal and external structure is brought down.

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.)