

Item No.10

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

02.01.2024
Ct-24

WPA 23436 of 2023

Md. Jafar

v.

The Kolkata Municipal Corporation & Ors.

Mr. Vimal Kumar Shahi

Mr. Ghanshyam Pandey

Ms. Shabnam Farooqui

Mr. Nafisa Anwar

... for the petitioner.

Mr. Syed Nazmul Hossain

Mr. Raj Sekhar Basu

... for the State.

Mr. Achintya Kumar Banerjee

Mr. Anand Farmania

... for KMC.

From the report forwarded by the engineers of the Corporation it appears that premises no. 51, Hind Road was inspected by the department and deviation was detected. The department has issued notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on October 7, 2023 with intimation to the local police station.

The petitioner alleges that despite stop work notice the private respondent is merrily continuing with the unauthorized construction.

None represents the private respondent.

As it appears that the Corporation has already detected unauthorized construction, accordingly, the Executive Engineer of the concerned borough is directed

to take steps to deal with such unauthorized construction in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Deputy Commissioner of Police, East Division through the Officer-in-Charge, Survey Park Police Station is directed to keep strict vigil over the subject property and ensure that construction in any manner whatsoever is not carried out at the subject property till the issue is finally disposed of by the Kolkata Municipal 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.

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(Amrita Sinha, J.)