

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.23449 of 2023
Md. Tanweer Lodhi
-versus
The Kolkata Municipal Corporation & Ors.

Mr. Tarique Quasimuddin
Mr. Nasir Quasimuddin
Ms. Zainab Tahur
... for the petitioner.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
... for the State.

Mr. Fazlul Haque
Mr. Subrata Sikdar
... for KMC.

Mr. S. Siddique
Mr. S. Alam
... for the respondent no. 6.

Pursuant to the order passed by this Court on January 2, 2024 three engineers of Borough-VII of the Kolkata Municipal Corporation has filed a report before this Court signed on January 11, 2024. It mentions that the department issued stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on October 4, 2023 with intimation to the local police station.

The report mentions about three additional floors being constructed beyond the sanctioned three storied building plan encroaching the mandatory side open spaces. The report further mentions that the department has already initiated demolition proceeding and the illegal structure will be demolished shortly after obtaining approval from the higher authority.

The Corporation is directed to take prompt necessary steps to proceed with the demolition proceeding in accordance with law at the earliest.

The Officer-in-Charge Karaya Police Station is directed to render adequate police protection to the men and agents of the Corporation at the time of implementing the order of demolition, if sought for.

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.)