

ML. 79 29.04.
Ct. 24 2024

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

WPA 23780 of 2023

**Smt. Jhumur Chakraborty
Vs
Kolkata Municipal Corporation & Ors.**

**Mr. Mani Sankar Chatterjee.
... For the petitioner.**

**Mr. Jahar Datta.
Smt. Tapati Samanta.
... for the State.**

**Mr. Barin Banerjee.
Mr. Atis Kumar Biswas.
... for the KMC.**

The petitioner complains of illegal and unauthorised construction at 72, Bagha Jatin, block – J, Ward No. 102, Borough - XII under the K.M.C.

Learned advocate for the petitioner submits that a hearing was conducted by the Special Officer (Building) on 21st February, 2024. The petitioner is yet to be made aware of the fate of the hearing.

Learned advocate representing the Corporation relies upon the report filed by the Executive Engineer (Civil)/Building/Borough-XII which mentions that an inspection was conducted and it was found that repairing work of the existing two storied building along with some deviations was made beyond the existing building without sanction. A stop work notice under Section 401 with intimation to the Police Station was issued. Notice under

Section 400(1) of the KMC Act, 1980 is proceeding.

As it appears that the Special Officer (Building) has already taken over the proceeding under Section 400 (1) of the Act, accordingly, the Executive Engineer (Civil) is directed to ensure that the said proceeding is concluded in accordance with law at the earliest but positively by 31st July, 2024.

The fate of the hearing shall be intimated to the parties immediately thereafter.

The Officer-in-Charge, Jadavpur Police Station is directed to keep strict vigil over the property and ensure that construction in any manner whatsoever is not carried out at the subject premises till the matter is finally decided by the Corporation.

The writ petition stands disposed of.

The hearing notice issued by the Administrative Officer (Building) on 22nd January, 2024 is taken 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.)