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29.04.2024  
SH

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

**W.P.A 24297 of 2023  
Shri Amitesh Saha & Ors.**

**v.**

**The Kolkata Municipal Corporaton & Ors.**

**Mr. Rajib Ganguly  
Mr. Indrajit Biswas  
Mr. Rakesh Kumar Pandey  
...for the petitioners.**

**Mr. Atis Kumar Biswas  
... for KMC.**

**Mr. Arindam Mondal  
Mr. Arindam Mitra  
...for the State.**

The matter relates to Premises No.166, Madurdah, Ward No. 108, Branch-XII of the Kolkata Municipal Corporation.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondents. The car parking space has been converted and is being used as a gym contrary to the sanctioned plan. The caretaker's room has also been converted to a gym.

Complaint lodged before the Corporation is alleged to be kept pending.

None represents the private respondents.

Affidavit-of-service filed in Court today is taken on record.

The Executive Engineer (C)/Building, Borough-XII has filed a report before this Court signed on December 19, 2023 mentioning that inspection revealed that the car parking space in the ground floor has been converted by erecting brick walls and is being used as a gym without sanction beyond the completion plan. Case has been processed under Section 400(1) and 416 of the Kolkata Municipal Corporation Act, 1980.

As it appears from the report filed by the Executive Engineer that unauthorized construction has already been detected and proceeding has been initiated, accordingly, the Executive Engineer is directed to conclude the proceeding in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Officer-in-Charge, Anandapur Police Station is directed to take steps to stop the functioning of the gym running at the subject premises till the matter is finally disposed of by the Corporation.

The writ petition stands disposed of.

Report filed by the Officer-in-Charge, Anandapur Police Station signed on January 8, 2024 be 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.)**