

37 19.02.2024  
NB/AGM Ct. 24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
(Appellate Side)

**WPA 24552 of 2023**

Nilay Pain & Ors.  
Vs.  
Kolkata Municipal Corporation & Ors.

Mr. Sharanya Chatterjee,  
Mr. Ayaskanta Ghosh.  
..for the petitioners.

Mr. Atis Kumar Biswas,  
Ms. Susmita Chatterjee.  
...for the Corporation.

The petitioners complain of illegal and unauthorised construction made at the behest of the private respondents in a place which is identified as 'Thakurtala' located behind the Tri Shakti Mandir and opposite to Nai Jatik Club, Rajdanga School Road. The construction is being made on the eastern side of the petitioners' land and building.

A complaint has been lodged against such unauthorised construction but the same is alleged to be kept pending.

The writ petition sought to be served upon the private respondents on two occasions has come back unserved with the postal endorsement "Insufficient Address".

Learned advocate representing the Kolkata Municipal Corporation has obtained written instruction from the Executive Engineer (Civil)/ Building Department Borough-XII of the Kolkata Municipal Corporation signed on 15<sup>th</sup> January, 2024 which mentions that the construction has been identified to be

made at premises no. 245, Rajdanga School Road, Ward No.107.

The building department inspected the premises and found a single storied building to be constructed without any sanctioned plan. Steps have been taken under Section 400(1) of the Kolkata Municipal Act, 1980.

As it appears from the instruction forwarded by the Executive Engineer that the unauthorised construction has already been identified, accordingly, the aforesaid respondent is directed to take necessary steps in accordance with law to deal with such unauthorised construction. The proceeding shall be concluded after giving reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

**(Amrita Sinha, J.)**