

S/L 14
17.01.2024
Court No.24
SD

WPA 24911 of 2023

Ayaj Ahmed
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

...for the Petitioner.

Mr. G.C. Das
Mr. Rudranil De

...for the KMC.

Mr. Subhrangshu Panda
Mr. Debottam Das

...for the Respondent Nos.6-7.

Report has been filed by the Kolkata Municipal Corporation annexing copy of the order of the Special Officer (Building) signed on December 20, 2023.

It appears therefrom that a plan was sanctioned for raising construction of G+4 storied building at 10, Mansatala Road, Ward No.77, Br-IX of the Kolkata Municipal Corporation. The person responsible constructed in deviation of the plan sanctioned and infringed the mandatory side open spaces that was required to be maintained at the time of raising construction. Three additional floors have been constructed apart from the deviation in the portions constructed as per the sanctioned plan. Total area of unauthorized construction is 580.54 sq. m.

The Special Officer was of the opinion that massive unauthorized construction has been made with massive

super imposed load on the existing structure. The Special Officer opined that the structure may collapse and residing in the said building may be unsafe. Order was passed to demolish the three additional floors and the external deviation in all floors within 30 days from the date of communication of the order, failing which action may be taken by the department and costs be recovered from the persons responsible. The demolition sketch was made part and parcel of the order.

Learned advocate representing the private respondents admits construction of two additional floors but does not admit construction of the third additional floor.

The copy of the order of demolition has been sought to be served upon the persons responsible for making construction vide communicating Memo of the Corporation dated January 15, 2024.

It appears from the report of the Corporation that there is huge illegal and unauthorized construction which is liable to be demolished particularly because of the reason that the Special Officer has noted that the unauthorized construction has massive super imposed load on the existing structure which may lead to the collapse of the building causing loss of life and damage to the inhabitants to the said building. The Special Officer was concerned with the safety of the said structure.

The petitioner prays for demolition of the unauthorized construction.

The Corporation is directed to take steps consequent to the order passed by the Special Officer (Building) immediately upon expiry of the time limit prescribed in the said order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)