

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

WPA 25487 of 2023

**Kutubuddin Molla
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Maidul Islam Kayal.
Mr. Sumit Naskar.
... For the petitioner.**

**Mr. Tapas Mukherjee.
Mr. Aftab Hossain.
... for the private respondents.**

**Ms. Noelle Banerjee.
Ms. Kalpita Paul.
... For the State.**

**Mr. Atis Kumar Biswas.
Ms. Susmita Chatterjee.
... for the K. M. C.**

The petitioner complains that the private respondents are taking steps to raise construction by illegally filling up a water body.

Learned advocate representing the private respondents denies that any construction has been made. It has been submitted that the private respondents have applied for obtaining sanction but in view of the pendency of the present writ petition, the sanction is yet to be granted by the Corporation.

Learned advocate representing the KMC submits that on receipt of a complaint, departmental inspection was carried out at premises no. X-4/7, X-4/8 and X-4/9, S. A. Farooque Road, Ward-140, Borough-XV of the KMC.

During inspection it was observed that a single storied asbestos shed structure exists on the western side of the plot and the other portion of the plot is vacant.

A joint inspection is scheduled on 15.01.2024 along with the Environment and Heritage Department K.M.C., Assessment Department GR-Unit to assess the extent of unauthorised construction and filling up of the pond.

As it appears that the Corporation has taken steps in response to the complaint filed by the petitioner and 15.01.2024 is the date scheduled for spot inspection, accordingly, the parties are directed to cooperate at the time of spot inspection.

The respondent authorities shall take necessary steps in accordance with law if the allegation of the petitioner is found to be correct.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of inspection.

The report filed by the Officer-in-Charge, Nadial Police Station signed on 8th December, 2023 be retained with the records.

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.)