

27
30.04.2024
d.p.

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

**W.P.A 25723 of 2023
IA No. CAN 1 of 2024**

**Nurul Huda Layek
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Kushal Chatterjee,
Mr. Debrup Choudhury.
...For the Petitioner.**

**Mr. Amal Kumar Sen, AGP
Ms. Tuli Sinha.
...For the State.**

**Mr. Soumya Ray,
Ms. Anwesha Saha,
Ms. Soma Kundu.
...For the Respondent
Nos.9 & 10.**

**Mr. Gopal Chandra Das,
Mr. Atis Kumar Biswas.
...For KMC.**

The petitioner complains of illegal and unauthorized construction. The said allegation is denied by the learned advocate appearing for the private respondent nos. 9 and 10.

The Corporation has filed successive reports. The report signed by the engineers of the Corporation on 29th April, 2024 be retained with the records. The same mentions that the open spaces as well as outer dimension of the newly constructed building tallies more or less as per the sanctioned plan.

From the reports and also upon hearing the parties, the allegation of unauthorized construction cannot be substantiated.

It appears that there are issues with regard to the boundary walls of the subject structure where the construction is being made.

The allegation of the petitioner is that the mandatory side open spaces are not maintained at the time of raising construction.

The Executive Engineer of the Corporation shall ensure that no unauthorized construction is carried on at the subject premises.

As regards the disputes with regard to the boundary wall, it will be open for the parties to approach the competent civil Court for relief.

The writ petition and the connected application stand 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.)