

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.26537 of 2023
Jai Prakash Tiwary
-versus
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. Vishal Mallick
... for the petitioner.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... for KMC.

Mr. Dipanjan Datta
... for the respondent nos. 8 to 13.

The petitioner complains of illegal and unauthorized construction at 59A, Hazra Road, Ward No. 86, Borough-VIII of the Kolkata Municipal Corporation.

The petitioner complains that the Corporation has not taken any action in response to the complaint filed by him.

Learned advocate representing the private respondent submits, upon instruction that, apart from placing a fiber sheet on the top of the construction which was already regularized by the Special Officer (Building), no construction has been made.

It has been submitted that after issuance of the stop work notice on January 8, 2024, the private respondent has not proceeded further with the matter.

Learned advocate representing the Corporation relies upon the instruction forwarded by two engineers of the said borough signed on January 9, 2024

mentioning that recently a tin shed double height, approximately 5.5 meters, structure having approximate area of 10 sq. meter along with brick walls has been erected. Minimum height of the structure is divided by wooden platforms supported by steel structure. On demand, the person responsible could not produce any document in support of the construction.

Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been issued with intimation to the local police station. Further course of action as per the Kolkata Municipal Corporation Act is under progress.

As it appears that unauthorized construction has already been detected, the Executive Engineer of the concerned borough is directed to take prompt necessary steps to conclude the proceeding in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties.

Steps shall be taken in the matter 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.)