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10.01.2024
d.p.

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

W.P.A 26626 of 2023

**Naima Siddique
-versus
The State of West Bengal & Ors.**

**Mr. Dipanjan Kundu.
...For the Petitioner.**

**Ms. Noelle Banerjee,
Mr. Suman Singh.
...For the State.**

**Mr. Srinjay Sengupta,
Mr. N. Acharya.
...For the Respondent
Nos. 13 to 16.**

**Mr. Gopal Chandra Das,
Ms. Sabnam De.
...For KMC.**

The petitioner complains of illegal and unauthorized construction of two additional floors at 29/1A, Miajan Ostagar Lane under Ward No. 65, Borough-VII of the Kolkata Municipal Corporation.

Complaint was lodged before the Corporation but the same is yet to be disposed of.

Learned advocate appearing for the private respondents admits construction of two additional floors at the subject premises.

It has been submitted that an application has been filed for regularization of the two additional floors.

Learned advocate appearing for the Corporation submits that unauthorized construction has been detected and steps have been taken to deal with the same in accordance with law.

According to the provisions of law, construction is to be made only after obtaining a sanction and not prior thereto. If constructions made without obtaining sanction are later on regularized, then the very purpose of obtaining prior sanction gets frustrated. The engineers of the Corporation ought to take prompt necessary steps to prevent any unauthorized construction the moment it is detected.

In view of the above, the executive engineer of the concerned borough is directed to take prompt necessary steps to deal with the unauthorized construction in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Report filed by the Officer-in-Charge, Karaya Police Station be retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)