

02
22.02.2024
d.p.

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

W.P.A 26744 of 2023

**Razia Sultana
-versus
The State of West Bengal & Ors.**

**Mr. Suddhasatva Banerjee,
Mr. Shayak Chakraborty,
Md. Z. Rauf,
Mr. Abdul Zahi,
Md. Siraj Munir.
...For the Petitioner.**

**Mr. Ayan Banerjee,
Mr. Ritoban Sarkar.
...For the State.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For KMC.**

Affidavit-of-service filed in Court today is taken on record.

The matter relates to certain unauthorized construction at premises no. 24/4, Kustia Road, Ward No. 65, Borough-VII under the Kolkata Municipal Corporation.

The Corporation has invoked the provision of Section 400(8) of the Kolkata Municipal Corporation Act, 1980 as it was found that the person responsible erected three storied R.C.C. structure encroaching mandatory side open spaces and some R.C.C. columns were constructed in deviation from the three storied sanctioned building plan. Stop work notice under

Section 401 of the Act was issued with intimation to the local Police Station. Part demolition was made on 21st June, 2023.

The petitioner apprehends that further demolition work may be conducted today (22.02.2024).

The instruction forwarded by the Corporation does not mention about any demolition work being conducted today.

If the petitioner is aggrieved by the order of demolition passed by the Corporation, then it will be open for the petitioner to approach the competent appellate forum for redressal of her grievances.

The Court is not inclined to exercise jurisdiction in the instant writ petition.

The writ petition stands dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)