

D/L 27
07.03.2024
Court No.24
Sayandeep

WPA 27173 of 2023

Imtiyaz Khan
Vs.
The State of West Bengal & Ors.

Mr. Ayan Mitra
Mr. Dilip Kr. Mandal

...for the petitioner

Mr. Anand Farmania
Mrs. Sabnam Sultana

.....for the KMC

Ms. Anjana Banerjee
Mr. Pushan Chattopadhyay

.....for the respondent Nos. 10 & 13

The petitioner complaints of illegal and unauthorized construction at the behest of the private respondents at 7 & 8, Peter Lane, Ward No. 44, Borough-V of the Kolkata Municipal Corporation. Objection lodged against such unauthorized construction is alleged to be pending consideration.

Learned advocate representing the private respondent nos. 10 and 13 denies the allegation of the petitioner. It has been submitted that construction is being made in accordance with the plan sanctioned.

Learned advocate representing the Kolkata Municipal Corporation relies upon the instruction forwarded by the engineers of Borough-IV and V signed on 14th December, 2023 which mentions that spot inspection revealed unauthorized construction made in deviation of the building sanctioned plan. Notice was issued on 12th December, 2023

with intimation to Bowbazar Police Station and also to the Joint Commissioner of Police. The file is under process under Section 400 of the KMC Act, 1980.

As it appears from the submission made on behalf of all the parties that unauthorized construction has already been detected and the file is under process for taking steps to deal with the unauthorized construction, accordingly, the instant writ petition is disposed of by directing the Executive Engineer (Civil/Building) Borough-V being the respondent no. 8 herein to take immediate steps to conclude the proceeding under Section 400 of the KMC Act, 1980 at the earliest but positively within a period of eight weeks from the date of communication of this order. The reasoned order shall be communicated to the parties immediately thereafter.

The Officer-in-Charge, Bowbazar Police Station is directed to keep strict vigil over the property to ensure that construction in any manner whatsoever is not carried out at the subject premises.

The writ petition is 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.)