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07.02.2024
d.p.

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

W.P.A. 27524 of 2023

**Yeabar Hossain Laskar
-versus**

The Kolkata Municipal Corporation & Ors.

**Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhirup Halder,
Mr. Anirban Saha Roy.
...For the Petitioner.**

**Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya.
...For KMC.**

A report has been filed by the Executive Engineer (Civil), Borough-XV of the Corporation wherein it has been indicated that inspection was conducted to ascertain the structure of the petitioner which was constructed without a valid sanction plan. The entire area where the disputed construction has been made is filled with unauthorized construction without any sanction. Premises nos. V-170 and V-172, Karbala Road are adjacent to each other.

The report further mentions that a five storied structure opposite to the building at V-170 was constructed without any sanction and the structure was on an unassessed plot. The men and agents of the Corporation were not able to identify the unauthorized structure properly and demolition has been made in premises no. V-170 in place and instead of premises no. V-172.

It has been submitted that steps are being taken for dealing with the unauthorized construction of the entire area.

On a query from the Court, learned advocate appearing for the petitioner has submitted that the construction in question is an old one and no new construction has been made. It has, however, been candidly submitted that there is no plan for raising such construction.

Learned advocate appearing for the Corporation has submitted that steps are being taken to deal with the unauthorized construction at the premises of the petitioner being V-170.

The Court is of the opinion that the Corporation ought to have identified the unauthorized construction properly prior to proceeding with the work of demolition. The Corporation is in the process of taking steps to deal with the unauthorized construction of premises no. V-170.

All steps in accordance with law shall be strictly followed to deal with any unauthorized construction at the subject premises or otherwise. Till fresh decision is taken by the Corporation, no further steps for demolition of the structure at premises no. V-170 shall be taken.

The writ petition stands 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.)