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30.04.2024
d.p.

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

W.P.A 28764 of 2023

**Md. Alamgir
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar.
...For the Petitioner.**

**Mr. Debnarayan Banerjee,
Md. Ahsanuzzaman.
...For the State.**

**Mr. Atis Kumar Biswas.
...For the KMC.**

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

None appears on behalf of the private respondents.

The matter relates to unauthorized construction at 234B, Tiljala Road, Ward No. 65, Borough-VII.

The petitioner complains that objection filed against such unauthorized construction has not been taken for consideration till date.

Learned advocate appearing for the Corporation relies upon the instruction forwarded by the engineers wherefrom it appears that departmental inspection was

conducted and it revealed that the person responsible constructed a partly two storied structure without any sanctioned building plan. Stop work notice was issued with intimation to the local police station. A portion of the unauthorized construction was demolished on 17th January, 2024.

As the building in question is fully occupied, accordingly, the balance demolition could not take place. Request has been made before the police for vacating the premises so that the demolition can be conducted.

As the Corporation has already detected unauthorized construction and demolished a portion of the unauthorized structure, accordingly, the balance structure is also liable to be demolished.

The Deputy Commissioner of Police, South East Division through the Officer in Charge, Karaya police station is directed to arrange for adequate police personnel for vacating the occupied portions of the subject structure so that the same may be demolished by the Corporation.

Notice of vacating and demolition shall be affixed at various conspicuous places in and around the subject structure to make the occupants aware of the date of demolition.

The demolition shall be conducted at the earliest, but positively within 30th June, 2024.

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.)