

OD-4

ORDER SHEET
WPO No.83 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

NIKUNJA BEHARI HALDER
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 26th February, 2024.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Ms. Tanusree Das, Adv.
....for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Ms. Gulnaz Quraishi, Adv.
....for KMC.

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

None appears on behalf of the respondent no.6.

The petitioner complains of illegal and unauthorized construction at the behest of the respondent no.6 at premises no. 328, Purbachal Kalitala Road, Ward No.106, Borough -XII of the Kolkata Municipal Corporation. Complaint lodged against such unauthorized construction is yet to be considered.

Learned advocate representing the Corporation has received instruction from the Executive Engineer (Civil)/Building/Borough-XII wherefrom it appears that unauthorized construction has been detected. A three storied RCC framed structure with brick walls has been constructed in deviation of the sanctioned plan. Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 with intimation to the police has been issued. The department is contemplating taking steps under Section 400 of the Kolkata Municipal Corporation Act, 1980.

As it appears from the submissions of the parties that unauthorized construction has indeed been detected, accordingly, the Executive Engineer (Civil)/Building/Borough-XII of the Kolkata Municipal Corporation is directed to take prompt necessary steps to deal with such unauthorized construction in accordance with law and conclude the proceeding at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The Officer-in-Charge of the jurisdictional police station is directed to ensure that construction in any manner whatsoever is not carried out at the subject premises till the matter is finally decided by the Kolkata Municipal Corporation.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)