

OD-7

WPO No.302 of 2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

KISHORE KUMAR DAS
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 18th April, 2024.

Appearance:
Mr. Sutanu Chakrabarti, Adv.
Mr. Anirban Roy, Adv.
..for Petitioner.

Mr. Swapan Kumar Debnath, Adv.
...for KMC

Mr. Sakya Sen, Adv.
Mr. Ajoy Sankar Sanyal, Adv.
Ms. Shreyasi Sanyal, Adv.
..for Respondent Nos.11 to 13.

Mr. Wasim Ahmed, Adv.
...for State.

The Court:- The petitioner complains of illegal and unauthorized construction at premises no.18, S. N. Banerjee Road, Ward No.46, Borough-VI of the Kolkata Municipal Corporation. The petitioner submits that the Corporation ought to take necessary steps to deal with the unauthorized construction complained of.

Learned advocate representing the private respondents denies the allegation of unauthorized construction.

Learned advocate representing the Corporation relies upon the report forwarded by the engineers of the Corporation signed on 12.04.2024 mentioning that several complaints were received in the office of the Corporation and on inspection it was detected that unauthorized construction was going on at the subject premises. A sanction plan was

issued by the Corporation in the year 2013 for construction of 12.5 mtr. height residential building. As per infringement proposal unauthorized construction was mainly deviation from sanction plan by doing unauthorized works and change of use of ground, second and third floor. Residential, parking and shop area were converted for assembly use. Previous boundary declaration has also been changed. Fresh report has been prepared and the demolition sketch filed is now under process of Section 400 of the Kolkata Municipal Corporation Act, 1980.

As it appears from the report filed by the engineers of the Corporation that unauthorized construction has been detected, accordingly, the instant writ petition is disposed of by directing the Executive Engineer (Civil)/Building/Borough-VI of the Kolkata Municipal Corporation to take steps to deal with such unauthorized construction in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

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

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

(AMRITA SINHA, J.)