

Item No.610

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

31.08.2023

Ct-24

AGM

WPA 17775 of 2019  
With  
CAN/1/2023

Dipankar Das  
v.  
Kolkata Municipal Corporation & Ors.

Mr. Puspal Chakraborty  
Ms. Srijita Nath

... for the Petitioner.

Mr. Achintya Kumar Banerjee  
Ms. Manisha Nath  
... for KMC.

Affidavit-of-service filed today in Court be kept with the record.

Application has been filed for recalling the order dated 24<sup>th</sup> April, 2023.

I have perused the said application and being satisfied with the grounds mentioned therein, recall the order dated 24<sup>th</sup> April, 2023.

The application being CAN 1 of 2023 is disposed of.

The writ petition is restored to its original file and number.

**WPA 17775 of 2019**

The petitioner complains of illegal and unauthorised construction at the instance of the private respondents.

The petitioner complains that the objection filed against such unauthorised construction was not taken up for consideration by the Corporation.

On a perusal of the instruction forwarded by the engineers of the Kolkata Municipal Corporation way back in September 2019, it appears that departmental inspection was conducted and unauthorised construction was detected.

The Corporation prepared a demolition sketch map, infringement statement and took necessary steps to deal with the matter under Section 400 (1) of the Kolkata Municipal Corporation Act, 1980.

Learned advocate for the petitioner submits that no notice has been served upon the petitioner. The unauthorised construction is continuing till date.

To ascertain the allegation of unauthorised construction, the Executive Engineer of Borough-IV and V is directed to cause a spot inspection upon prior notice to all the necessary parties.

If it appears that further unauthorised construction is being carried on at the subject premises, then

necessary steps shall be taken to deal with the same in accordance with law.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to all the parties.

Learned advocate for the petitioner is directed to forward a copy of the objection filed before the Corporation to the aforesaid respondent at the time of communicating the order of the Court.

As it appears that the Corporation has already detected unauthorised construction, the Officer-in-Charge, Muchipara Police Station is directed to keep strict vigil over the property at 14/2A, Santosh Mitra Square, Ward No. 5, Borough-V and ensure that construction in any manner whatsoever does not take place at the subject premises.

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.)**