

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

WPA 22750 of 2023

**Sri Ayan Kumar Saha
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K.R. Ahmed,
Mr. Rudranil Das,
Mr. Soumadeep Panda,
Mr. Soumava Santra.
... For the petitioner.**

**Mr. Biswajit Mukherjee,
Ms. Debangana Dey Nayak.
...For the KMC.**

**Mr. Anindya Bose,
Mr. Amit Gupta,
Mr. Mridul Biswas.
...For the private respondents.**

The petitioner complains of illegal and unauthorized construction at the behest of the private respondents at premises no. 8B, Haralal Das Lane, Ward No. 21, Borough IV of the Kolkata Municipal Corporation. The grievance of the petitioner is that construction is being made without leaving the mandatory side open spaces. Complaint was lodged before the Corporation but the same is yet to be disposed of.

Learned advocate representing the private respondents submits, upon instruction that, construction is being made in accordance with the plan sanctioned by the Corporation.

Learned advocate representing the Corporation relies upon the instruction forwarded by the engineers

of the Corporation mentioning that inspection revealed unauthorized construction and construction in violation of the sanctioned plan. Upon detection of deviation, the department issued stop work notice under Section 401 of the KMC Act, 1980 on 8th September, 2023 with intimation to the local police station. As construction has been made in deviation of the plan sanctioned, the case file has been placed before the superior authority for processing the same under suitable sub-Section of Section 400 of the Act.

As it appears that the Corporation has already detected unauthorized construction and has also initiated proceeding to deal with the same, accordingly, the Executive Engineer (Civil)/ building, Borough IV and V is directed to take prompt necessary steps to conclude the said proceeding in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

As unauthorized construction has been detected, the private respondents are restrained from raising any further construction till the matter is finally decided by the Corporation.

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

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.)