

09.10.2020

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Court No.24
Video Conference

W.P.A. 2854 of 2020
with
CAN 1 of 2020
Ranaraj Chatterjee & Others
– Versus –
The Kolkata Municipal Corporation & Others

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das,
Mr. Neil Basu

... for the petitioners.

Mr. Alok Ghosh,
Mr. Swapan Debnath,
Mr. Subhrangsu Panda

... for the KMC.

The application, being CAN 1 of 2020, relating to urgency of this writ petition is heard, and accordingly, disposed of.

This is an application under Article 226 of the Constitution filed by the petitioners aggrieved by the order dated December 16, 2019 passed by the Special Municipal Commissioner (G & D), Kolkata Municipal Corporation. The case of the petitioners is that in spite of the order passed by the High Court on August 6, 2019 directing the Municipal Commissioner to pass a reasoned order, the impugned order is completely bereft of reasons.

I have heard the learned counsel appearing on behalf of both the parties and perused the materials on record.

On a bare perusal of the assailed order, it is clear that the order does not contain any reasons and only comes to a conclusion. The rival contention of the parties has been penned by the Municipal Commissioner and thereafter, the conclusion given.

In my view, this order cannot be sustained as the same is not in consonance with the order of the High Court dated August 6, 2019. In the light of the same, the order is quashed and set aside with a direction upon the Special Municipal Commissioner (G & E), Kolkata Municipal Corporation to grant an opportunity of hearing to the petitioners and thereafter, pass a reasoned order within a period of six weeks from date.

In the meantime, the competent authority is directed not to take any steps with regard to any construction on the impugned pond.

With the above observations and directions the writ petition is disposed of.

Since no affidavit-in-opposition has been called for, allegations made in the writ petition are deemed to have been not admitted.

All parties are to act in terms of the copy of the order downloaded from the official website of this court.

(Shekhar B. Saraf, J.)