

08.09.2020  
Item No.18  
Ct. No.11  
Krishnendu

**W.P.A. No. 6419 (W) of 2020  
With  
C.A.N. No. 1 of 2020  
(Old No. CAN 5033 of 2020)  
(Via Video Conference)**

In re: Amitava De Bhowmick & Anr.  
- Versus -  
The Kolkata Municipal Corporation  
& Ors.

Mr. Chittapriya Ghosh  
Mr. Goutam Acharya  
For the Petitioners

Mr. Alok Kumar Ghosh  
Mr. Subhrangsu Panda  
For the K.M.C.  
Mr. Ashim Kumar Ganguly  
Mr. Ram Ch. Guchhait  
For the State

Mr. Rohit Das  
Mr. Kishwar Rahman  
For the Respondents 13-15

In view of the express undertaking of the petitioners to comply with all the formalities regarding filing including stamping of the petition immediately upon resumption of normal Court business and in view of the urgency pleaded, the application, being CAN 1 of 2020, is allowed and the writ petition is taken up for hearing.

Mr. Chittapriya Ghosh, learned advocate appearing for the petitioners submits that the private respondents are raising an

unauthorised construction at premises no. 54A, S.N. Banerjee Road, KMC Ward 54, P.S. Taltola, Kolkata-700 014 on the basis of a sanctioned plan obtained upon placing forged and frivolous documents. Such illegal construction is being raised encroaching upon an 8 feet passage over which the private respondents have no absolute ownership. Such fact was brought to the notice of the respondent no. 3 by a representation dated 9<sup>th</sup> July, 2020 but no steps have been taken.

No one appears today on behalf of the respondent nos. 8 to 12 though Mr. Das, learned advocate enters appearance on behalf of the respondent nos. 13 to 15 and he denies the contention of the petitioners. Mr. Das submits that a sanctioned plan was obtained and on the basis of the same, construction was initiated.

Mr. Das further submits that the respondent nos. 8 to 12 are the owners of the concerned property whereas the respondent nos. 13 to 15 are the promoters.

Mr. Ghosh, learned advocate appears on behalf of the Kolkata Municipal Corporation.

Upon hearing the learned advocates appearing for the respective parties and upon

considering the materials on record, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the competent authority for consideration.

Accordingly, this Court directs the respondent no. 3 to consider the representation submitted by the petitioners on 9<sup>th</sup> July, 2020 granting an opportunity of hearing to the petitioner no. 2, one of the owners and any one of the promoters and to take a decision, in accordance with law and to communicate the same to the parties. The above exercise shall be completed within a period of four weeks from the date of communication of this order along with a copy of the writ petition.

It is further observed that the respondent no. 3 would be at liberty to authorize any competent officer to hear and decide the representation of the petitioners, on his behalf.

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

There shall, however, be no order as to costs.

All concerned parties shall act in terms of the copy of the order downloaded from the official *website* of this Court.

(Tapabrata Chakraborty, J.)