

05.10.2020

Ct. No. 24

Item No.05

pk.

WPA No. 6755 of 2020

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IA CAN 1 of 2020 (OLD CAN 5681 of 2020)

Aloke Pramanik

-vs-

The Kolkata Municipal Corporation & Ors.

Mr. Rakheswar Dey Sarkar for the petitioner

Mr. Alok Kumar Ghosh,
Mrs. Sabnam De for the Corporation

Mr. Avra Mazmder for the respondent no. 8

The petitioner avers in paragraph 3 of the writ petition that he is a regular passerby of the area comprising of the Plot Nos. 1 to 7 and 9 to 14 of Canal South Road, beside the Metropolitan Co-operative Housing Society Ltd., CZ-38, Sector-B, Canal South Road, Kolkata – 700105 in Ward No. 57, Borough –VII of the Kolkata Municipal Corporation.

The petitioner alleges that the private respondent no. 8 is making construction illegally in the adjacent plots.

The petitioner has further averred in the writ petition that he is willing to start business with the owners of the plots in dispute but in view of the illegal construction raised by the private respondent he is being prejudiced.

The writ petitioner submits that a Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued upon the private respondent but even

thereafter the said private respondent is carrying on illegal construction.

The petitioner further alleges that the Kolkata Municipal Corporation is not taking any steps in furtherance to the notice issued under Section 401.

It appears from the writ petition that the petitioner has not impleaded the owners of the disputed plots as party respondent in the matter. It is not known whether the private respondent has entered into any agreement with the owners of the land or not.

It is not open for the writ court to enter into a roving enquiry and decide upon the grievance raised by the petitioner.

Accordingly, the prayer made by the petitioner with regard to the illegal construction raised by the private respondent cannot be entertained by this court at this stage.

However, since it appears that the Corporation has issued a Notice under Section 401 of the KMC Act, it will be open for the Kolkata Municipal Corporation to take appropriate steps against any illegal construction that is being made in the disputed premises.

The writ petition being WPA No. 6755 of 2020 along with the connected applications being IA CAN 1 of 2020 and CAN 5681 of 2020 are disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)