

Item No.29

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

17.04.2021
Ct-24

W.P.A.134 of 2021
A. Biswajit Naidu
v
The State of West Bengal & Ors.

Mr. Baidurya Ghosal
... for the petitioner.

The petitioner alleges illegal and unauthorized construction by the Bijoy Sankha Flat Owners' Association Managing Committee and other private respondents.

In response to the complaint filed by the petitioner the men and agents of the Kolkata Municipal Corporation inspected the premises in question and it appears from the communication dated February 12, 2019 written by the Executive Engineer(C) Bldg/Br-X that the flat owners association was requested to produce the sanction/authority documents in respect of the structure that has been erected by encroaching the front side mandatory open space within fifteen days from the date of receipt of the letter.

The learned advocate for the petitioner submits that since thereafter no steps have been taken by the

Kolkata Municipal Corporation in the matter to demolish the unauthorized construction. It has further been submitted that the flat owners have not been able to produce any documents in support of the unauthorized construction.

The petitioner thereafter made a further representation to the Kolkata Municipal Corporation by a letter dated December 29, 2020 and alleges that the same has not been considered till date.

None appears on behalf of the respondents. The learned advocate for the petitioner is granted leave to file the affidavit-of-service by April 19, 2021.

As it appears that the Kolkata Municipal Corporation has already inspected the premises in question and has come to a considered opinion that the GI sheet shed structure have been erected by encroaching a front side mandatory open space and also running school at the ground floor of the said premises accordingly, the instant writ petition is disposed of by directing the concerned officer of the Kolkata Municipal Corporation to take necessary steps to consider the representation filed by the petitioner and deal with such unauthorized construction, in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The aforesaid respondent shall give an opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to all the parties immediately thereafter.

The petitioner is directed to forward a copy of the representation dated December 29, 2020 along with communication dated February 12, 2019 and any other supporting documents at the time of communicating the order of the Court.

WPA 134 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)