

Ct. 24
Item No.21
17.03.2021
(suvendu)

WPA 1092 OF 2021

**Smt. Satirani Ghosh
Vs.
The Kolkata Municipal Corporation & Ors.**

Mr. Kaushik Chandra Gupta
.....for the petitioner

Mr. Achintya Kr. Banerjee
Mr. Dipankar Ghosh
Ms. Indumouli Banerjee
.....for the KMC

Mr. Bratin Kumar Dey
Mr. M. Hossain
Mr. Satadru Lahiri
Mr. S. Azam
.....for the respondent no.5

The petitioner alleges that his representation dated 5th October, 2020 praying for cancellation of the Sanction Plan granted by the Kolkata Municipal Corporation in favour of the private respondents has not been considered by the respondent authority till date. It appears that the petitioner by the said representation apprised the Kolkata Municipal Corporation that a fraud has been committed at the time of sanctioning of the Building Plan in respect of the premises No. 3P, Ram Krishna Naskar Lane, Beliaghata, Kolkata -700 010 under Ward No. 33 and Borough -III.

The learned advocate appearing for the private respondents denies the contention of the petitioner.

It is submitted on behalf of the private respondents that the necessary documents were produced before the Kolkata Municipal Corporation at the material point of time and relying upon those documents the plan was sanctioned in their favour.

The learned advocate appearing for the Kolkata Municipal Corporation submits that the Corporation sanctioned the plan on the basis of the registered documents produced by the private respondents.

It appears from the submissions of the parties that the title of the property appears to be disputed. The private respondents rely upon a probate, which was granted in their favour by the competent court. The learned advocate appearing for the Municipality refers to a registered power of attorney relying on which the plan was sanctioned.

As it appears that the objection of the petitioner is pending consideration at the end of the Kolkata Municipal Corporation, no useful purpose will be served by keeping the writ petition pending. The same is disposed of by directing the respondent no. 2 or any officer authorized by the respondent no.2 to consider the representation of the petitioner strictly in accordance with law after giving a reasonable opportunity of hearing to the petitioner as well as the private respondents within a period of twelve weeks

from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner as well as the private respondents immediately thereafter.

It is made clear that I have not gone into the merit of the case and the respondent no.2 shall be free to decide all the points that may be raised before him without being influenced by this order.

Since no affidavit-in-opposition is called for, allegations contained in the writ petition are deemed to be denied.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)