

10.03.2021
SL No. 18
Court No.24
(P.M.)

WPA 1195 of 2021
Raj Ram Pal
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Golam Mostafa,
Mr. T.S. Samanta
... for the petitioner

Mr. Alok Ghosh,
Mr. Dwijadas Chakraborty
... for Kolkata Municipal Corporation

Mr. Ayan Kumar Boral
..... for the respondent No. 7 and 9

Mr. Bibek Jyoti Basu,
Mr. Subrata Ghosh
.... For the State.

The petitioner alleges illegal and unauthorised construction by the private respondents in premises No. 15, Peary Mohan Pal Lane, Kolkata – 700007, Borough VI, ward No. 25 under the Kolkata Municipal Corporation.

The learned advocate appearing on behalf of the private respondents submits, upon instruction, that construction is being made strictly in accordance with the plan sanctioned by the Kolkata Municipal Corporation.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation does not have any instruction in the matter.

As it appears that the representation filed by the petitioner alleging illegal and unauthorised construction at the aforesaid premises is pending consideration at the end

of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 5 to inspect the premises in question and take necessary steps in the event there is any unauthorised construction or deviation from the sanction plan, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, at the earliest, but positively within a period of six months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorised construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points

are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 15th October, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 1195 of 2021 stands disposed of.

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

(Amrita Sinha, J.)