

S/L 25  
30.09.2021  
Court. No. 19  
GB

WPA 2109 of 2021

Lubna Rahim  
Vs.  
The State of West Bengal & Ors.

*Mr. Ramkrishna Bhattacharya,*  
*Mr. Somraj Dhar.*  
...for the Petitioner.

*Ms. Sutapa Sanyal,*  
*Mr. Anand Farmania.*  
...for the State.

*Mr. Alok Kr. Ghosh,*  
*Mr. Swapan Kr. Debnath.*  
...for the K.M.C.

The petitioner has alleged unauthorized construction by the respondent nos.8 to 13. The petitioner is a tenant in respect of the premises no.H-29-30, Garden Reach Road, P.S. Garden Reach, Kolkata – 700024.

According to the petitioner, the owners of the premises being the respondent nos.8 to 13 have raised unauthorized construction.

Despite service none appears on behalf of the respondent nos.8 to 13. However, the matter is being taken up in their absence as no mandatory orders affecting their rights are being passed in their absence.

Mr. Ghosh, learned advocate appearing on behalf of the Kolkata Municipal Corporation submits that a prima facie inspection was made and some unauthorized constructions have been detected. A stop work notice was

issued in respect of the said construction upon the persons responsible. Intimation was also sent to the police authorities. Thus, even if, the respondent nos.8 to 13 are absent, they are aware of the proceedings.

As the Kolkata Municipal Corporation has taken steps in accordance with law on the basis of the complaint lodged by the petitioner, nothing further remains to be decided in the writ petition, save and except, that the Corporation shall take steps on the basis of Section 400 of the Kolkata Municipal Corporation Act, 1980 with regard to the alleged unauthorized constructions. An inspection shall be held in presence of the parties. A copy of the report of the inspection shall be supplied to the parties. Thereafter, a reasoned order shall be passed and communicated to the parties upon hearing the petitioner as also the representatives of the respondent nos.8 to 13 and any other person responsible. The parties will be entitled to legal representation at the hearing. The Corporation shall thereafter reach the entire proceeding to its logical conclusion.

The entire exercise shall be completed within a period of five months from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**