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12.01.2021.
d.p.

**W.P.A 1608 of 2020
(Via Video Conference)**

**Ms. Afroze Randerian
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Amit Sharma,
Mr. Bhupendra Gupta.
...For the Petitioner.**

**Mr. Susanta Mukherjee,
Ms. Rupsha Chakraborty.
...For the State.**

**Mr. Ranajit Chatterjee,
Ms. Manisha Nath.
...For the KMC.**

Affidavit-of-service filed in Court today be taken on record.

The petitioner complains of illegal and unauthorized construction being carried on in the premises No.1/1, Bhukailas Road, P.S. Ekbalpore, Kolkata-700023, Ward No. 77.

The petitioner made a representation before the Kolkata Municipal Corporation alleging such illegal and unauthorized construction in August 2019 followed by a reminder in December 2019.

The petitioner complains that no steps have been taken by the authority till date.

The learned advocate appearing for the Municipality submits that the premises in question is a thika property comprising of several huts. As the actual

place where the illegal construction is alleged to have been made could not be identified, accordingly, the Corporation was not in a position to take any step in the matter.

The learned advocate appearing for the State respondents submits that the direction was given upon the private respondents not to proceed with the construction work but no heed had been paid to the said request.

As it appears from record that the representation of the petitioner alleging illegal construction is pending at the end of the Kolkata Municipal Corporation, no useful purpose will be served by keeping the writ petition pending.

Accordingly, the instant writ petition is disposed of by directing the Executive Engineer, Building Department, Borough-IX, to take steps to consider the representation of the petitioner, strictly in accordance with law, after giving an opportunity of hearing to the petitioner and all other necessary parties.

The said respondent shall pass a reasoned order within a period of six months from the date of communication of a copy of this order and communicate the reasoned order to the petitioner and all other necessary parties immediately thereafter.

The Kolkata Municipal Corporation shall conduct an inspection of the premises in question and take necessary steps in the matter.

It is made clear that this court has not gone into the merits of the claim raised by the petitioner and all

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

W.P.A. 1608 of 2020 is disposed of.

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

(Amrita Sinha, J.)