

26.07.2021
Court No. 19
Item no.3
sn

WPA No. 3408 of 2021

ROUSHAN HAYATT @ ROUSHAN ARA, VS.
KOLKATA MUNICIPAL CORPORATION & ORS.
(via video conference)

Mr. Shibaji Kumar Das
Mr. A. Ahmed
Ms. Rupsa Sreemani
...for the petitioner

Mr. Bibek Jyoti Basu
Mr. Uttam Kumar De
..for the State

Mr. Biswajit Mukherjee
Mr. Anand Formania
..for the K.M.C.

Md. Farhauddin
..for the respondent no.11

This writ petition has been filed alleging illegal and unauthorized construction by the respondent no.11, in deviation of the sanction plan. It is submitted that the respondent no.11 has been carrying on the construction at premises no. 37, Alimuddin Street, Post Office Park Street, Police Station Taltala, Kolkata 700 016, without adhering to the sanction plan.

Mr. Farhauddin, learned Advocate appearing on behalf of the respondent no.11, submits that the construction is going on strictly in accordance with the sanction plan.

Mr. Biswajit Mukherjee, learned Advocate appearing on behalf of the Kolkata Municipal Corporation, submits that without holding an inspection, it could not be appropriate for the

Corporation to make any submission before this Court, on the allegations made by the petitioner.

Having heard the rival contentions of the parties, this writ petition is disposed of without going into the merits of the claim of the petitioner. The competent authority of the Kolkata Municipal Corporation is directed to act and proceed on the basis of the complaint lodged by the petitioner dated January 7, 2021. While disposing of the said complaint, the Kolkata Municipal Corporation, through their competent authority, shall cause an inspection of the premises in question, in presence of the parties. The minutes of the inspection shall be signed by all the parties or their representatives. The report shall be supplied to the parties. Thereafter, the Corporation shall proceed in accordance with law in order to reach the issues raised to its logical conclusion. A reasoned decision shall be taken and communicated to all parties.

The entire exercise shall be completed within a period of twelve weeks from the date of communication of this order.

This writ petition is thus disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar, J.)