

Court No. 24

22.03.2021

(Item No. 13)

(AB)

W.P.A 2697 of 2020

Md. Tofijul Hoque

vs

The State of West Bengal & Ors.

Ms. Saira Banu

..... for the petitioner

Ms. Debarshi Brahma

..... for respondent Nos. 17 & 18

Mr. Ranajit Chatterjee

Mr. Subhrangsu Panda

... for KMC

Mr. Tapas Kumar Adikari

..... For the State

Affidavit of service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction made by the private respondents in the premises No. 182A/2, Picnic Garden Road, Mondal Para, Ward No. 67, Borough – VII, Police Station Kasba, Kolkata – 700 039.

The petitioner raised objection against such unauthorized construction before the Kolkata Municipal Corporation and alleges that the same has not been considered by the respondent authority till date.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authority, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Commissioner, Kolkata Municipal Corporation being the respondent No. 4 herein to consider and dispose of the representation made by the petitioner, 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 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 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

petitioners 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 21.01.2020 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)