

09
15.03.2021.
d.p.

**W.P.A 5597 of 2021
(Via Video Conference)**

**Ali Akbar
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Rajan Dutta,
Ms. Krishna Yadav.
...For the Petitioner.**

**Mr. Dilip Kumar Chatterjee,
Ms. Sabnam De.
...For the KMC.**

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

None appears on behalf of the private respondents in spite of service.

The petitioner alleges illegal and unauthorized construction by the private respondents in the premises No. B/32/H/9/2, Mahendra Roy Lane, Topsia, Kolkata-700046, Ward No. 59, Borough-VII under the Kolkata Municipal Corporation without a sanction plan.

The petitioner through his learned advocate sought information under the Right to Information Act as to whether any building plan was sanctioned in respect of the above mentioned premises.

The Kolkata Municipal Corporation by a communication dated 20th January, 2021 intimated the learned advocate for the petitioner that as per office

record, no building plan has been sanctioned in respect of the said premises.

The petitioner made representations before the Kolkata Municipal Corporation on diverse dates with request to take steps against such unauthorized construction.

The petitioner alleges that the same has not been acted upon by the Kolkata Municipal Corporation till date.

The learned advocate appearing for the Kolkata Municipal Corporation submits, upon instructions that on inspection, it was found that unauthorized construction exists in the said premises. A notice to stop work under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued upon the person responsible.

It has been submitted that necessary steps shall be taken by the Corporation against such unauthorized construction.

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 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. 2, being the Municipal Commissioner, Kolkata Municipal Corporation herein to consider and dispose of the representation made by the petitioner strictly in accordance with law, at the

earliest, but positively within a period of six months from the date of communication of a copy of this order.

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 unauthorized construction, in accordance with law.

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 18th January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 5597 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.)