

S/L 16
24.08.2021
Court. No. 19
GB

WPA 8994 of 2021

Amit Ghosh
Vs.
Kolkata Municipal Corporation & Ors.

(Through Video Conference)

Mr. Himadri Sikher Chakraborty,
Mr. Iqbal Kabir,
Ms. Barnali Gantait.

...for the Petitioner.

Mr. Nolle banerjee,

...for the Respondent Nos. 7 & 8.

Mr. Gopal Chandra Das.

...for the K.M.C.

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De.

...for the State.

The writ petitioner alleges illegal and unauthorized construction on premises no.123, S.N. Roy Road, Kolkata – 700038. The allegation is that the Assistant Engineer Building, Borough No. XIII & XIV, Kolkata Municipal Corporation Department issued a stop work notice upon the respondent no.8 and her deceased husband. Despite the stop work notice, it is alleged that the said construction has been carried out and is still going on.

It is submitted on behalf of the respondent no.8 that only to harass the said respondent, who is a widow, the petition has been filed. The petitioner desired to purchase a flat in the premises and having failed in such attempt, has filed several complaints and writ petitions as a pressure tactics upon the respondent No.8.

Mr. Basu, learned advocate appearing on behalf of the State submits that on the basis of the complaints lodged by the petitioner, the police authorities have registered a case.

Having heard the rival contentions of the parties, the writ petition is disposed of by directing the competent authority of the Kolkata Municipal Corporation to consider and dispose of the representation dated March 30, 2021 in accordance with law upon hearing the petitioner as also the respondent no.8.

It is made clear that this consideration shall be restricted to the allegation of illegal and unauthorized construction. Other questions shall not be decided by the Kolkata Municipal Corporation. The Kolkata Municipal Corporation shall be entitled to make an inspection in presence of the parties and shall thereafter reach the entire proceeding to its logical conclusion in accordance with law.

This Court has not expressed any opinion about the correctness of the allegations made by the petitioner. It is for the Corporation to conclude the proceeding on the merits and on what transpires in the inspection. A reasoned order shall be passed and informed to all parties. The entire exercise shall be completed within a period of three 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.)