

16.12.2021
Item No.14.
Court No.6.
S. De

Through Video Conference

**F.M.A. 889 of 2021
I.A. No. CAN/1/2021**

Md. Tofijul Hoque.

Vs

The State of West Bengal & Ors.

Mr. Arif Ali,
Mr. Alam Sayed,
...for the appellant.
Mr. Ranajit Chatterjee,
Mr. Subhrangsu Panda,
...for the K.M.C.

By consent of the parties, the appeal and the application are taken up for hearing together.

The writ petitioner alleged before the learned Single Judge that the private respondents were making unauthorized construction on the premises in question without obtaining sanctioned plan from the Kolkata Municipal Corporation. The learned Judge recorded that the representation of the writ petitioner before the Corporation was in the process of being considered. The learned Judge disposed of the writ petition by directing the Commissioner of the Corporation to dispose of the writ petitioner's representation by a reasoned order after giving an opportunity of hearing to all the parties concerned and if it be found that indeed illegal construction was being

made by the private respondents, then to take appropriate steps, in accordance with law. Being aggrieved, the writ petitioner is before us.

Mr. Panda, learned advocate for the Corporation, on instruction submits that a survey has been made of the impugned construction and it has been found that there are illegalities in such construction. The Corporation has issued notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 to the private respondents as well as the writ petitioner. However, hearing was fixed twice but neither the writ petitioner nor the private respondents appeared. The hearing has again been fixed on December 27, 2021.

Be that as it may, since the Corporation is taking necessary steps in accordance with law, we are of the view that the grievance of the appellant stands appropriately addressed. We find no reason to keep this appeal pending. The Corporation shall take the proceeding that it has initiated to its logical conclusion in accordance with law. The exercise should be completed by the Corporation as early as possible and preferably within an outer limit of three months from date.

The appeal being F.M.A. 889 of 2021 is disposed of along with the connected application being I.A. CAN 1 of 2021.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)