

20.07.2021
Court No. 19
Item no.19
sn

WPA No. 11201 of 2021

MD. SHAKIL VS. THE STATE OF WEST
BENGAL & ORS.

(via video conference)

Mr. Soumen Bhattacharjee
Mr. Tanmoy Kumar Dey

...for the petitioner

Mr. Sudipta Panda
Mr. Bhaskar Chakraborty

..for the State

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

...for the KMC.

Despite service none appears on behalf of the
respondent Nos.7 to 11.

Let the affidavit of service be taken on record.

The petitioner claims to be a bharatia in
respect of one room, kitchen along with common
bath and privy on the ground floor at premises
No.155/H also known as 155/H/18, Keshab
Chandra Sen Street, Kolkata – 700 009 at a monthly
rental of Rs.260/- according to English calendar
month.

The allegation of the petitioner is that the
respondent Nos.7 to 11 have been continuing
unauthorised construction on the premises in
question. According to the petitioner, the land in

question is a thika land. No permission from the Thika Controller had been obtained.

This Court is not competent to decide the question of title or the nature of the land in question. However, as there are allegations of unauthorised construction and complaints of such unauthorised construction have been filed before the Kolkata Municipal Corporation, the writ petition is entertained to the limited extent. The Kolkata Municipal Corporation is directed to look into the grievances of the petitioner and dispose of the representation dated June 21, 2021 (at page 16 of the writ petition).

It is submitted that in respect of the same premises certain complaints have been lodged by different bharatias and an inspection was done by the Corporation.

A stop work notice has been issued and FIR has been lodged under Section 401A of the Kolkata Municipal Corporation Act. Proceeding under Section 400 has also been initiated.

Under such circumstances, this writ petition is disposed of with a direction upon the Kolkata Municipal Corporation to dispose of the proceeding initiated in accordance with law and upon observing the principles of natural justice and reach the same to its logical conclusion.

This Court has not decided the merits of the claim of the petitioner and the entire proceeding shall be decided by the Kolkata Municipal Corporation upon hearing all the parties including the respondent Nos.7 to 11 and a reasoned order should be passed and communicated to all concerned.

The entire exercise should be completed within a period of 12 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.)