

04.08.2021
Court No. 19
Item no.14
CP

WPA 11439 of 2021

ARSHAD JAMAL
VS
KOLKATA MUNICIPAL CORPORATION & ORS.

(via video conference)

Mr. Anindya Bose
Mr. Sukalyan Sarkar
Mr. Diptendra Mandal

.....for the petitioner.

Mr. Srijan Nayak
Mr. S. Panda

.....for the KMC.

Mr. Anubrata Santra

....for the State.

Mr. Debasish Ghosh
Mr. Subhajit Roy

....for the respondent no. 8.

The grievance of the petitioner in the writ petition has already been partially addressed by the Kolkata Municipal Corporation. The petitioner claims to be a partner of a business along with the respondent no.8. Records reveal that there was a partnership agreement between the petitioner and the respondent no. 8. The petitioner alleges that the respondent no. 8 behind the back of the petitioner, giving a go-by to the partnership agreement, raised some unauthorized constructions.

The respondent no. 8 submits that no such construction was carried out illegally by the respondent no. 8. An agreement for development was entered into between the petitioner and the landlord. The respondent no. 8 further submits that the landlord has not been made a party intentionally because the allegations against the respondent no. 8 are false and fabricated.

Mr. Nayak, learned advocate appearing on behalf of the Kolkata Municipal Corporation, submits that pursuant to the complaint, an inspection has been made. A 'Stop Work' notice has already been issued. He assures the court that necessary steps shall be taken in accordance with law by initiating proceedings under the Act and all the parties shall be heard as per the provisions of law.

Once the Kolkata Municipal Corporation has already taken steps, nothing remains to be decided in the writ petition.

This court is not expressing any view with regard to the culpability of the respondent no. 8. It is for the Corporation to act and proceed in accordance with law and take all steps as prescribed by the statute.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)