

10.12.2021
Court No. 19
Item no.13
CP

WPA 12074 of 2021

Surinder Kaur
Vs.
The Kolkata Municipal Corporation & ors.

Mr. Siddhartha Banerjee
Ms. Somali Mukhopadhyay

.....for the petitioners.

Mr. Srijan Nayak
Mr. A. Mukherjee

....for the K.M.C.

As the original affidavit of service has been misplaced, the copy of the same has been taken with the consent of the parties. Let the same be treated as the original.

None appears on behalf of the respondents 7 to 9.

The petitioner claims to be the owner of a portion of the property situated at 57/B, Chittaranjan Avenue, Kolkata – 700012. It is the contention of the petitioner that respondents 7 to 9 have raised some unauthorized construction on a portion of the flat purchased by them from the petitioner measuring about 985 square feet along with an asbestos shed of an area of 285 square feet along with an open verandah measuring 215 square feet on the 2nd floor of the building. According to the

petitioner some of the structures have been broken down and replaced with RCC columns. The petitioner submits that despite a complaint lodged before the Kolkata Municipal Corporation (hereinafter referred to as the corporation), dated July 2, 2021, no steps have been taken by the corporation as yet.

Under such circumstances, this writ petition is disposed of in the absence of the respondents 7 to 9 in view of the innocuous prayer made by the petitioner for a direction upon the corporation to dispose of their complaint.

The competent authority of the corporation shall dispose of the complaint of the petitioner made thorough the learned advocate dated July 2, 2021 in the following manner:

- a) An inspection of the premises shall be made. Such inspection shall be held in the presence of the parties, with 48 hours advance notice.
- b) The report of the inspection shall be prepared and handed over to the parties.
- c) A hearing shall be given to the parties. The parties must also be allowed to furnish their written objection/version to the said report and make oral and documentary submissions as also adduce evidence in

support of their contentions before the competent authority.

- d) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of the statute.

The court has not gone into the correctness of the claims and counter-claims of the parties and all the disputes shall be decided in accordance with law and independently by the corporation.

The entire exercise shall be completed within a period of five months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)