

17.11.2021
Sl. No.5
srm

W.P.A. No. 13781 of 2021

Damodar Prasad Agarwal

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Partha Sarathi Chakraborty,
Ms. Sharmistha China

...for the Petitioner.

Mr. Satyajit Talukdar

...for the KMDA.

Mr. Gopal Chandra Das,
Mr. Rudranil De

...for the KMC.

The petitioner has preferred the writ petition alleging that the website of the Kolkata Municipal Corporation through which an application for sanction of the building plan is to be submitted electronically was not allowing the petitioner to submit the document. The allegations are that the website of the Kolkata Municipal Corporation is defective and although the petitioner has paid all the taxes due and payable to the corporation, the online submission is not enabled in case of the petitioner.

Mr. Talukdar and Mr. Das, learned Advocates for the Kolkata Metropolitan Development Authority (KMDA) and the Kolkata Municipal Corporation (KMC) respectively, submit that the writ petition should be dismissed on the

ground of suppression of material facts. Mr. Talukdar has handed over documents to show that pursuant to the issuance of a show cause notice, a reply was filed by the petitioner, *inter alia*, assigning reasons as to why the proposed cancellation of the allotment of the plot by the KMDA should not be given effect to. Upon hearing the petitioner, a reasoned order was passed. A copy of the reasoned order has been handed over to the Court along with the copy of the order dated November 1, 2018. It appears that an order was issued by the KMDA cancelling the allotment of the plot to the petitioner in respect of which the petitioner is asking for a sanction of the building plan. The order of cancellation dated December 31, 2018 is also produced before the Court. A writ petition was filed by the petitioner being W.P. No.3443(W) of 2019 challenging the cancellation. The said writ petition is pending before this Court.

Mr. Das submits that unless the petitioner has a title to the plot of land in question, the petitioner cannot be permitted to apply for sanction pursuant to such cancellation.

The orders of cancellation and the order passed at the hearing are kept on record.

Admittedly, all these facts have been suppressed in the writ petition. In any event, unless the order of cancellation of allotment of the plot is set aside by a competent Court, the

petitioner does not get a right in respect of the said plot and the contentions in the writ petition are thus premature.

The writ petition is, therefore, dismissed.

There will be no order as to costs.

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

(Shampa Sarkar, J.)