

Item No.24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

01.03.2021
Ct-24

W.P.A.20606 of 2019
Ajaz Ahmed Siddiqui
v
Kolkata Municipal Corporation & Ors.

Mr. Rajdeep Bhattacharya
Ms. Sevanti Roy
Mr. Shareq Siddqui
... for the petitioner.

Mr. Swapan Kumar Debnath
... for KMC.

Mr. Susanta Kumar Mukherjee
Mr. Hare Krishna Halder
Mr. Swapan Kumar Chatterjee
... for the State.

None appears on behalf of the private respondent despite service.

The petitioner alleges unauthorized construction being carried on by the private respondent at 28, Rifle Range Road, P.S.- Karaya Road, Kolkata- 700 019.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the

respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no.2 to consider and dispose of the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of twelve weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated May 16, 2019 to the aforesaid

respondent at the time of communicating the order of the Court.

Mr. Swapan Kumar Debnath, learned advocate, who usually appears on behalf of the Kolkata Municipal Corporation and is present in Court is directed to enter his appearance on behalf of the Kolkata Municipal Corporation in this matter. His appointment may be regularized.

WPA 20606 of 2019 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

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(**Amrita Sinha, J.**)