

Item No.25

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

05.03.2021
Ct-24

W.P.A.10133 of 2020
Smt. Aloka Sen & Anr.

v

Kolkata Municipal Corporation & Ors.

Mr. Mani Sankar Chattopadhyay
Mr. S. Chatterjee
... for the petitioners.

Mr. M. Maity
Mr. S.S. Bayerd
... for the respondent nos. 7 & 8.

The petitioners allege that the private respondents are making unauthorized construction without a sanction plan in the premises No. D-50/2, New Patuli, Baghajatin Panchasayar P.S.-Patuli, Kolkata- 7000 94, Borough-12.

The learned advocate representing the private respondents submits that no construction is being made in the said premises by them.

None appears on behalf of the Kolkata Municipal Corporation despite service.

The petitioners complain 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 petitioners 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. 4, Commissioner, Kolkata Municipal Corporation to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, within a period of six months 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 petitioners, 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 petitioners 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 petitioners are directed to forward a copy of the representation dated November 21, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 10133 of 2020 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.**)