

Court No. 24

15.02.2021

(Item No. 16)

(AB)

W.P.A 10324 of 2020

Sri Debabrata Pal

vs

Kolkata Municipal Corporation & Ors.

Mr. Uday Chandra Jha

Mrs. Maheswari Sharma

...for the Petitioner

Mr. Arnab Saha

Mr. Abhimanyu Banerjee

..... For respondent Nos. 7 & 8

Mr. Achintya Banerjee

Ms. Tanushree Dasgupta

Ms. I. M. Banerjee

.... For Kolkata Municipal Corporation

Affidavit of service filed on behalf of the petitioner is taken on record.

The petitioner complains that illegal and unauthorized construction is being made without sanction plan in the premises No. 152, Dr. Girindra Sekhar Bose Road, Kolkata – 700 039, Ward No. 67, Borough – VII, P.S. Kasba under the Kolkata Municipal Corporation.

The learned advocate for the Corporation submits, upon instruction, that in response to the complaint made by the petitioner, the officials of the Kolkata Municipal Corporation has inspected the premises and it has been detected that several asbestos and R.T. roof structures exists at the aforementioned premises which are occupied by several occupiers including two number of shops on

the road side. The instruction given to the learned advocate appearing on behalf of the Corporation does not mention as to whether the said constructions have been made with or without a sanctioned plan.

The learned advocate representing the private respondent submits that no illegal construction has been made by them in the said premises.

In view of the above, the instant writ petition is disposed of by directing the respondent No. 2, being the Municipal Commissioner, Kolkata Municipal Corporation to take necessary steps to consider the representation made by the petitioner on 15.02.2018, 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 and pass a reasoned order and communicate the same to all the necessary parties immediately thereafter.

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 made on 15.02.2018 to the

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)