

15.02.2021
SL No.17
Court No.24
(gc)

WPA 10635 of 2020

**Sri Kamal Yadav
Vs.
Kolkata Municipal Corporation & Ors.**

Mr. Uday Chandra Jha,
Ms. Maheswari Sharma,
Ms. Tulika Roy,
...for the Petitioner.
Mr. Srijan Nayak,
Mr. Subrangsu Panda,
....for the K.M.C.
Md. Ghalib,
Md. Mansoor Alam,
...for the State Respondent.

The petitioner alleges illegal and unauthorized construction being carried on by the private respondents at the Premises No.13, Dr. Girindra Sekhar Bose Road, P.S.-Kasba, Ward No.67, Borough No. VII, Kolkata – 700 039 under the Kolkata Municipal Corporation.

According to the petitioner there was a Development Agreement entered into between him and the private respondents for the purpose of construction of a four-storied building at the said plot of land. The petitioner submits that the private respondents have constructed the building but have not obtained any sanction plan from the Kolkata Municipal Corporation.

The petitioner made a complaint before the Municipal Authority by a letter dated 30th October, 2020. The petitioner alleges that the Corporation has not taken any steps in response to the complaint lodged by him.

The learned Counsel representing the Kolkata Municipal Corporation does not have any instruction in the matter.

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, the Municipal Commissioner, Kolkata Municipal Corporation, 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.

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 30th October, 2020 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.)