

18
25.01.2021.
d.p.

**W.P.A 10779 of 2020
(Via Video Conference)**

**Mohammed Omar Shaikh
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Javed K. Sanwarwala,
Ms. Farah Anjum.
...For the Petitioner.**

**Mr. Alok Ghosh,
Ms. Tanushree Dasgupta,
Ms. Komal Shaw.
...For the KMC.**

The petitioner alleges illegal and unauthorized construction being carried on at premises no. 32/H/1, Beck Bagan Row, P.S.-Karaya, Kolkata -700017.

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

The learned advocate appearing for the respondents submits, upon instruction, that on receipt of the complaint an inspection was made at the site and certain illegal constructions have been detected. The Corporation has issued a stop work notice and is taking necessary steps to deal with the said illegal construction.

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 being the Municipal Commissioner 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 eight 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 representations dated 7th October, 2020 and 25th November, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

W.P.A. 10779 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)