

18.01.2021
SL No.16
Court No.24
(P.M.)

WPA 10905 of 2020

Arun Kumar Sardar.
Vs.
State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)
Mr. Krishna Deb Das
... for the petitioner

Mr. Ranajit Chatterjee,
Mr. S. Panda
... for Kolkata Municipal Corporation

Ms. Prajaini Das
... for the respondent no. 8

Ms. Sohini Chakraborty,
... for the private respondent.

Mr. Bibek Das,
Mr. Pradip Pal
... for the State.

The petitioner alleges illegal and unauthorised construction being carried on at Dag No. 386, Khatian No. 307, Touzi No. 56, Mouza Raypur, Police Station Netaji Nagar.

The petitioner submits that objections were raised before the Kolkata Municipal Corporation by letter dated 10th November, 2020. The petitioner also raised objection before the Officer-in-Charge, Netaji Nagar P.S. on 1st June, 2020 and 10th November, 2020.

The petitioner alleges that his representations have not been considered by the authorities till date.

The learned advocate representing the private respondent submits that prayer has been made before the

Kolkata Municipal Corporation seeking permission for construction, but the same is yet to be considered by the respondent authority.

The learned advocate representing the Kolkata Municipal Corporation submits, upon telephonic instruction, that an inspection at the spot was carried out on receipt of the complaint by the Corporation and certain unauthorised construction beyond the deviation plan was noticed.

The learned advocate appearing on behalf of the State respondent submits, upon instructions, that on receipt of the complaint from the petitioner the police inspected the site and found construction work going on. The police has directed the person responsible to stop the construction work.

As it appears from records that the objection of the petitioner alleging illegal 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 Municipal Commissioner of the Kolkata Municipal Corporation to take necessary steps in response to the complaint made by the petitioner, strictly in accordance with law, upon giving an opportunity of hearing to the petitioner and all other necessary parties within a period of three 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 the petitioner and all other necessary parties immediately thereafter.

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

WPA 10905 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.

(Amrita Sinha, J.)