

ORDER SHEET

WPO 47 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Original Side

SOUMENDRA KRISTO DUTT & ANR.
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 9th February, 2021

Mr. Abhrajit Mitra, Sr. Advocate, Mr. Sarvopriya Mukherjee,
Mr. Dipendra Nath Chunder, Mr. S. Mitra, Advocates for the petitioners.

Mr. Barin Banerjee, Ms. Sima Chakraborty, Advocates for
K. M. C.
Mr. Jagabandhu Roy, Ms. Manasi Roy, Ms. Madhurima Sarkar,
Advocates for private respondent.

The Court : The petitioners allege illegal and unauthorised construction being carried on in the premises no.34B, Shakespeare Sarani, Kolkata – 700 017. The petitioners claim to have approached the Kolkata Municipal Corporation by filing e-complaint being no.P87122020 on 18th October, 2020. According to the petitioners, the respondent authorities have not taken any step in response to the complaint lodged.

The learned Advocate appearing on behalf of the private respondent submits, upon instruction, that his client is carrying on business in the said premises for a considerable period of time. A notice under Section 411 of the KMC Act, 1980 was issued and in terms of the said notice, the private

respondent has appointed a Structural Engineer and has taken steps for repairing the said premises.

The learned Advocate appearing on behalf of the Kolkata Municipal Corporation does not have any instruction with regard to the matter at this stage.

Be that as it may, as it appears that the petitioners have already approached the Kolkata Municipal Corporation by filing a complaint against illegal construction and the said complaint is yet to be disposed of by 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.3, being the Commissioner of the Kolkata Municipal Corporation, to take steps in response to the complaint lodged by the petitioners, strictly in accordance with law, within a period of 12 weeks from the date of communication of a copy of this order, after giving an opportunity of hearing to the petitioners and all other necessary parties and to pass a reasoned order and communicate the same to the petitioners and all other necessary parties immediately thereafter.

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

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

(AMRITA SINHA, J.)

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