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WPO 103 of 2021

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

SOUMITRA BANERJI AND ANR  
VERSUS  
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 6<sup>th</sup> July, 2021.

APPEARANCE:

Mr. Raghunath Chakraborty, Adv.  
....for the petitioners

Mr. Ranajit Chatterjee, Adv.  
Mr. Saurav Chaudhuri, Adv.  
Mr. Sayak Konar, Adv.  
Mr. Indranil Nandi, Adv.  
....for the respondents

The Court :- Affidavit of service filed in Court today is taken on record.

Despite service, none appears on behalf of the respondent nos. 7 and 8.

The prayer of the petitioner is innocuous. It is prayed that the Kolkata Municipal Corporation be directed to take steps on the basis of the representation/complaint dated January 30, 2021 alleging unauthorized construction.

The writ petition has been filed challenging inaction on the part of the Kolkata Municipal Corporation in disposing of the complaint dated January 30,

2021. The petitioners have alleged unauthorised construction over premises no. 22, Ram Prosad Saha Lane, Kolkata – 700001. The petitioners are shebaites and beneficiaries of a charitable trust. It is the contention of the petitioners that respondent nos. 7 and 8 have been constructing additional floors illegally to let out a portion of the building for commercial purpose. This matter can be disposed of in the absence of the respondent nos. 7 and 8.

Mr. Chatterjee submits that construction is an old one and no construction is at present going on.

However, as there is a complaint with regard to alleged unauthorised construction and the representation by the petitioners has not been considered by the KMC, this writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to dispose of the complaint of the petitioner upon holding an inspection of the premises in the presence of the petitioner as also the respondent nos. 7 and 8, to ascertain whether there has been any unauthorised construction. If the Kolkata Municipal Corporation finds any such unauthorised construction, then steps shall be taken by them as per law. The petitioners and the respondent nos. 7 and 8 shall be made to sign on the minutes of the inspection. The inspection report should also be served upon all parties and the final decision in the matter shall be taken upon giving an opportunity of hearing to all concerned. The entire exercise should be completed within 10 weeks from date. Any decision taken shall be communicated to the parties. This Court has not gone into the merits of the claim of the petitioners.

(SHAMPA SARKAR, J.)

S.Chandra