

WPO 122 of 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BASANTI JOSHI & ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

Before:
The Hon'ble Justice AMRITA SINHA
Date: 15th March, 2021

Appearance:
Mr. Santanu Chatterjee, Adv.
...for petitioner.
Ms. Shipra Mazumdar, Adv.
Mr. Sougata Mitra, Adv.
„for state respondent.
Mr. Gopal Das, Adv.
Mr. Subhranghsu Panda, Adv.
...for KMC.
Mr. M. Rahman, Adv.
...for respondent no. 7

The Court: The petitioner alleges illegal and unauthorized construction without a sanction plan in the premises no. 18F, Braunfield Row, P.S. Ekbalpur, Kolkata –700 027.

The petitioner made series of representations before the respondent authorities but none of them has been considered by the respondents till date.

The learned Advocate representing the private respondents submits that the construction was made in accordance with the plan sanctioned by the Kolkata Municipal Corporation.

The learned Advocate for the Kolkata Municipal Corporation submits that there exists unauthorized construction in the said premises.

As it appears that the objection raised by the petitioners has not been considered by the respondent authorities till date accordingly, the instant writ petition is disposed of by directing the respondent no. 3 being the Commissioner, Kolkata Municipal Corporation to take a decision with regard to the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to the petitioner and all other necessary parties, at the earliest, but positively within a period of five 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 all the parties immediately thereafter.

It is made clear that this Court has not gone 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 of the petitioner.

The aforesaid respondent shall restrict the consideration with regard to unauthorized construction only and will not enter into and decide the private civil disputes of the parties.

The petitioner is directed to forward a copy of the representation dated 27th January, 2021 to the aforesaid respondent at the time of communicating the order of this Court.

Writ petition is disposed of.

Affidavit of service filed in Court today be kept with the record.

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

(AMRITA SINHA, J.)

S.K