

ORDER SHEET

WPO No.168 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

YADAVENDRA SINGH YADAV & ORS.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 12th April, 2021.

Mr. Soumya Majumder, Advocate.
... for the petitioners.

Mr. Dwijadas Chakraborti, Advocate.
...for KMC.

The Court:- The petitioners allege illegal and unauthorized construction being carried on a water body in plot no.190, RS Khatian No.64, Mouza-Garden Reach, Police Station-Rajabagan, being a portion of premises no.T-27, Akra Road, Kolkata-700018.

The petitioners claim to have made objection against such unauthorized construction and complain that the same has not been considered by the Kolkata Municipal Corporation till date.

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

None appears on behalf of the private respondents in spite of service.

As it appears that the representation of the petitioners 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, the Kolkata Municipal Corporation to consider and dispose of the representation dated 8th November, 2019 made by the petitioners strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

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

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

The petitioners are directed to forward a copy of the representation dated 8th November, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

WPO No.168 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.)

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