

OD-17

WPO 68 of 2018
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SMT. KABERI SEN & ORS
VS
KOLKATA MUNICIPAL CORPORATION & ORS

Before:
The Hon'ble Justice RAVI KRISHAN KAPUR
Date: 24th February, 2021

Appearance:
Mr. Puspall Chakraborty, Adv.
Ms. Prishanka Ganguly, Adv.
...for petitioner.
Mr. Biswajit Mukherjee, Adv.
Mr. Subhrangsu Panda, Adv.
...for K.M.C.
Mr. Arnab Ray, Adv.
...for respondent no 4 to 15.

The Court: The grievance of the petitioner is directed towards illegal construction at premises no. 49/1A, Bose Para Lane, Kolkata-700003. This matter has been pending since 2018 and diverse orders have been passed from time to time. Mr. Mukherjee appears on behalf of the Corporation submits that pursuant to the orders of the Court a report dated 5th June, 2018 has been filed by the Corporation wherein the Corporation had found that there is no unauthorized construction at premises at 49/1D Maa Saradamoyee Sarani, Ward No. 7, Br. – I. It is also submitted on behalf of the petitioner that illegal and unauthorized construction has taken place at premises no. 49/1A Bose Para Lane,

Kolkata-700003. The petitioner, in fact, submits that sanctioned plan had been obtained by the private respondent nos. 4 to 16 on misrepresentation and suppression of the true and correct fact of the case.

In view of the submissions made on behalf of the petitioner and in view of the report filed by the Corporation, I am of the view that no purpose would be served in keeping this writ petition alive. The remedy, if any, of the petitioner is to file an appropriate application before the Commissioner under section 397 of the Kolkata Municipal Corporation Act, 1980. Accordingly, WP No. 68 of 2018 stands disposed off.

Liberty is granted to the petitioner to make an appropriate application under section 397 of the Kolkata Municipal Corporation Act, 1980 with the appropriate authority agitating her grievances. Interim order, if any, stands vacated.

(RAVI KRISHAN KAPUR, J.)