

OD-2

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/250/2021

SUMIT KUMAR BOSE
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 19th July, 2021.

Appearance :
Mr. Sayan Sinha, Adv.
Mr. Vivekananda Bose, Adv.
Mr. Mainak Swarnokar, Adv.
... for the petitioner.

Mr. Gopal Chandra Das, Adv.
... for the KMC.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
... for the State respondent.

Mr. P. Hossain, Adv.
... for the respondent nos. 8-10.

The Court: The writ petition has been filed challenging inaction on the part of the Kolkata Municipal Corporation in taking steps to stop the illegal and unauthorized construction allegedly carried on by the respondent nos. 8 to 12. It is the contention of the petitioner that unauthorized construction is being carried on at premises no. 147/H/36, Keshab Chandra Sen Street, Kolkata- 700009. Learned Advocate for the respondent nos. 8 to 10 submits that no construction is being carried on in the premises as stated by the petitioner. The construction is being raised on a different plot. These are disputed

question of facts which cannot be gone into under Article 226 of the Constitution of India.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to dispose of the complaint dated July 3, 2021 sent via e-mail by the petitioners in accordance with law upon hearing the respective parties. It is made clear that this Court has not gone into the merits of the claims of the petitioner as the competent authority of the Kolkata Municipal Corporation shall deal with the issue as per the statute and pass necessary orders. Needless to mention that the principles of natural justice shall be complied with while disposing of the issue. The entire exercise shall be completed within a period of 4 months of the date of communication of this order.

The competent authority of the Kolkata Municipal Corporation shall cause an inspection in the presence of the parties immediately and implement necessary interim measures, if necessary.

Parties to act on the server copies of this order.

(SHAMPA SARKAR, J.)