

ORDER SHEET

WPO 358 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. MOSTAFA HALDER
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 8th March, 2021.

Mr. Golam Mohammad, Mr. S.M. Burhanuddin,
Advocates for the petitioner.

Mr. Alok Kumar Ghosh, Mr. S. Panda, Advocates for K.M.C.

Ms. Sipra Mazumdar, Mr. Sougata Mitra, Advocates for the State Respondent.

The Court :- None appears on behalf of the private respondents.

The petitioner alleges illegal and unauthorized construction in the property being premises no.U-129, S.A. Farooque Road, Ward No.139 of the Kolkata Municipal Corporation, Garden Reach Unit, Kolkata – 700 018.

The petitioner complains that the representation given to the Kolkata Municipal Corporation objecting to such illegal and unauthorized construction has not been considered by the respondent authority till date. It appears that a representation was submitted by the petitioner before the Office of the Kolkata Municipal Corporation on 15th September, 2020.

As the allegation has been made for non consideration of the representation of the petitioner objecting to illegal and unauthorized

construction, accordingly no useful purpose will be served by keeping the writ petition pending.

The writ petition is disposed of by directing the Executive Engineer, Building Department, Borough XV, Garden Reach Unit, being the respondent no.6 to conduct an inspection of the site in question and take necessary follow up action. In the event unauthorized construction is found in the said premises, necessary consequential steps shall be taken, strictly in accordance with law, at the earliest, but positively within a period of six months from the date of communication of a copy of this order.

It is made clear that this Court has not entered 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.

WPO 358 of 2020 is disposed of.

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

(AMRITA SINHA, J.)

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