

ORDER SHEET

WPO 407 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Original Side

SMT. NIHAR LAW & ANR.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 15th February, 2021.

Mr. Sayantan Bose, Mr. Sarbajit Mukherjee, Advocates for
the petitioners.

Mr. Ranajit Chatterjee, Ms. Tanushree Dasgupta,
Advocates for K. M. C.

Mr. Debjit Mukherjee, Ms. Susmita Chatterjee, Advocates for the
State.

The Court:- The petitioners allege illegal and unauthorised construction being carried on in the premises no.5, Rama Prasad Roy Lane, P.S.- Amherst Street, Kolkata-700 009. The allegation of the petitioners is that the private respondent is making construction over the said plot of land without leaving the mandatory side and open space.

The petitioners complain that the objection made by them against the aforesaid illegal construction before the respondent authorities have not been considered till date.

None appears on behalf of the private respondent.

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

As it appears that the complaint lodged by the petitioners before the respondent authorities alleging illegal 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 being WP No. 407 of 2020 is accordingly disposed of by directing the respondent no.2, being the Municipal Commissioner of the Kolkata Municipal Corporation, to consider the representations made by the petitioners on 18th June, 2018, 21st June, 2018 followed by reminder dated 24th February, 2020, strictly in accordance with law, within a period of 12 weeks from the date of communication of a copy of this order, after giving an opportunity of hearing to the petitioners and the private respondent and to pass a reasoned order and communicate the same to the petitioners and the private respondent immediately thereafter.

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

The petitioners are directed to forward a copy of the representations dated 18th June, 2018, 21st June, 2018 and 24th February, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

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

(AMRITA SINHA, J.)