

Item No. 28

13.12.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 813 of 2020  
Aloke Roy

v.

The South Dum Dum Municipality & Ors.

Mr. Sabyasachi Mukherjee  
Mr. Bibek Dey  
Mr. Debarati Choudhury  
... for the petitioner.

Mr. N.C. Bihani  
Mr. Soumyajit Ghosh  
... for the South Dum Dum Municipality.

The petitioner filed the present writ petition challenging the inaction on the part of the South Dum Dum Municipality to take into consideration the objection filed by the petitioner against the illegal construction carried on by the private respondent in the premises no. 63/18/7, Dum Dum Cossipore Road, Surer Math, Kolkata-700074.

In the said representation the petitioner made two folds prayers. First, to demolish the illegal construction and second, to revoke/set aside the sanctioned plan granted in favour of the private respondent.

During the pendency of the writ petition the Municipality considered the prayer of the petitioner and passed order of demolition on September 7, 2022. The said order of demolition has been carried in appeal by the respondent no. 6 by filing statutory appeal before the learned Court below. Though, initially an order of injunction was granted, but it has been submitted that,

the said order of injunction was not extended after November 2022. The prayer of the petitioner seeking revocation of the sanctioned plan is yet to be considered.

None appears on behalf of the private respondent.

In view of the order that I propose to pass, no prejudice shall be caused to the non-appearing respondent, if the writ petition is disposed of in the following manner.

The instant writ petition is accordingly disposed of by directing the South Dum Dum Municipality to take steps for consideration of the petitioner's prayer seeking revocation/setting aside of the sanctioned plan granted in favour of the private respondent Ms. Moitry Datta and to execute the order of demolition, provided, the same is not stayed/modified/varied or set aside by any Court of competent jurisdiction.

The entire exercise shall be completed by the Municipality in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties positively within a period of twelve weeks from the date of communication of a copy of this order. A reasoned order shall be passed and communicated to the parties immediately thereafter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)