

Sl. No.32
28.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 3553 of 2022

Shankar Lal Bajaj
versus
The Kolkata Municipal Corporation & Ors.

Mr. Dipta Dipak Banerjee.
... for the Petitioner.
Mr. Debjit Mukherjee.
Mr. Jayanta Dhar
... for KMC.
Mr. Jahar Lal De,
Mr. Abdus Salam.
... for the State.
Mr. Tamoghna Saha
Ms. Saberi Saha
... for the respondent no.6

Learned advocate representing the respondent no.6
has filed his Vakalatnama in the department being filing
No.A-21342 dated 28.09.2022.

The department is directed to tag the Vakalatnama
with the records of the present case.

The petitioner complains of illegal and unauthorised
construction at the premises no. 39, Madan Mohan
Burman Street, Kolkata-700 007, Borough-IV, Kolkata
Municipal Corporation.

The petitioner complains that the representation
filed before the Municipal Commissioner on 18th
November, 2021 has not been considered till date.

Learned advocate representing the private respondent denies the allegation of the petitioner.

It appears from the documents annexed to the writ petition that the petitioner is yet to file any representation before the Executive Engineer of the concerned borough.

In view of the above, leave is granted to the petitioner to make a formal application before the Executive Engineer, Borough-IV, Kolkata Municipal Corporation highlighting the illegalities committed by the private respondent.

If such a representation is filed, the same shall be considered by the Executive Engineer, Borough-IV in accordance with law, at the earliest, but positively within a period of eight weeks from the date of filing the representation.

An opportunity of hearing be given to the parties prior to taking a final decision in the matter.

It will be open for the Executive Engineer, Borough-IV, Kolkata Municipal Corporation to conduct a spot inspection to ascertain the veracity of the allegation of the petitioner upon prior notice to the parties.

A reasoned order shall be passed and communicated to all the parties.

In the event, the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the

sanction plan, then necessary steps shall be taken to deal with such unauthorised construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

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

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)