

Sl. No.22
16.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 3833 of 2022

Smt. Juthika Dutta
Versus
The State of West Bengal & Ors.

Mrs. Sipra Mazumder
Ms. Prativa Ghatak

... for the State

Mr. Alok Kumar Ghosh
Mr. Swapan Kumar Debnath
... for Kolkata Municipal Corporation

None appears either on behalf of petitioner or the
respondent nos.7, 8, 9 & 10.

Learned advocate for the State and the Kolkata
Municipal Corporation are present.

Learned advocate for the Corporation submits
that the petitioner has prayed for a direction upon the
Kolkata Municipal Corporation to consider the
representation filed by the petitioner in February, 2022.

The writ petition is accordingly disposed of by
directing the respondent no.4, being the Executive
Engineer (Building), to consider and dispose of the
representation filed by the petitioner strictly in
accordance with law, after giving an opportunity of
hearing to all the necessary parties including the
petitioner within a period of twelve weeks from the date

of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

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 petitioner 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 petitioner is directed to forward a copy of the representation received by the Kolkata Municipal Corporation on 15th February, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

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.)