

WPA(P) 128 of 2022

**Ramyani Ghosal
Vs.
The Kolkata Municipal Corporation & Ors.**

Mr. Sankha Subhra Ray
... .. for the petitioner
Mr. Alope Kumar Ghosh
Mr. Arijit Dey
... .. for the KMC
Mr. Baidurya Ghosal
Mr. Prithviraj Sinha Roy
Ms. Arina Bhattacharjee
... .. for the respondent Nos.7 to 9

The case of the petitioner is that the house of the petitioner is surrounded by a plot comprising of greenery, valuable trees and a big pond.

Submission of learned counsel for the petitioner is that the surrounding area comprises of a Bustee of around 50 to 60 huts and the residents of that Bustee are being forced to vacate their houses by the private respondents and the nature of land is being changed.

When the matter is taken up today, he has pointed out that the petitioner has already filed the representation dated 31.01.2022 making this complaint to the competent authority.

Learned counsel for the respondent Municipal Corporation has submitted that the Director General of Environment and Heritage Department of the Municipal Corporation is the competent authority to decide the petitioner's representation and the said representation has already been addressed to him.

At this stage, we do not think it proper to accept the objection of the private respondents that the petitioner has the remedy to approach the National Green Tribunal.

Having regard to the circumstances of the case and considering the nature of allegations which have been made the present writ petition is disposed of by directing the Director General of Environment and Heritage Department of the Municipal Corporation to decide the petitioner's representation dated 31.01.2022 after giving opportunity of hearing to all the concerned parties and by passing a reasoned order on conducting the enquiry, if required, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

Since no affidavits have been filed, therefore the allegations made in the petition will not be treated as final.

The writ petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)