

Sl. No.20
20.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5517 of 2022

Rajesh Agarwal
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Abhijit Sarkar
Mr. Dyutimoy Paul

... for the Petitioner

Mrs. Baisali Basu

... for the respondent nos.5 & 6

Learned advocate representing the respondent nos.5 & 6 has filed Vakalatnama in the department being filing No.A-20483 dated 20.09.2022.

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

The petitioner alleges illegal and unauthorised construction at the instance of the respondent nos.5 & 6 in the premises No.34, Kesto Das Pal Lane, Kolkata-700 006, Ward No.25, Borough-IV, Kolkata-700006, under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner alleges that the complaint lodged before the Municipal authorities on 4th March, 2022 has not been considered till date.

Learned advocate representing the respondent nos.5 & 6 denies the contention of the petitioner.

It has been submitted that the construction is being made in accordance with the plan sanctioned by the Corporation.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized 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 is accordingly disposed of by directing the respondent no.4, the Assistant Engineer (Building), Borough-IV, Kolkata Municipal Corporation to consider and dispose of the representation made 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 dated 4th March, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit of service filed in Court is taken on records.

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.)