

Sl. No.30
27.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5831 of 2022

Md. Azad Ansari

v.

The Kolkata Municipal Corporation & Ors.

Mr. Arijit Roy

Mr. Samrat Choudhury

Mr. Ahshan Ahmed

... for the petitioner

Mr. Srijan Nayek

Ms. Rituparna Maitra

... for the Kolkata Municipal Corporation

Mr. Tapas Kumar Adhikari

Mr. N. S. Alam

... for the State

The petitioner complains that the respondent nos.9 and 10 are making illegal and unauthorised construction without obtaining any plan from the Kolkata Municipal Corporation.

The petitioner alleges that the representation filed objecting to such unauthorised construction has not been taken up for consideration till date.

None appears on behalf of the respondent nos.9 and 10.

Affidavit of service filed in Court is taken on records.

In view of the order that I propose to pass none of the parties will be prejudiced if the writ petition is disposed of as follows.

The writ petition is accordingly disposed of by directing the respondent no.5, the Executive Engineer (Building), 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 12 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 21st September, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

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.)