

Item No. 23

20.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6271 of 2022

Smt. Puspallata Chandra @ Chandra & Ors.

v.

The State of West Bengal & Ors.

Mr. Madan Mohan Roy
... for the petitioners.

Mr. Rajarshi Basu
Mr. Parikshit Goswami
... for the State.

Mr. Anirban Mitra
Mr. Amit Halder
Md. Wasim Akram
Ms. Madhumita Sadhukhan
Mr. Akash Ghosh
... for the respondent no. 8.

The petitioners allege illegal and unauthorized construction at the Premises No. 10, Ram Chandra Ghosh Lane, P.S.-Burtolla, Kolkata-700006, Ward No.18, Borough-II under the Jurisdiction of the Kolkata Municipal Corporation.

It has been submitted that construction has been made by the private respondent in such a manner that the northern side of the petitioners' premises has been blocked and the petitioners' privacy has been infringed.

The petitioners allege that the representation filed on March 28, 2022 before the Kolkata Municipal Corporation is yet to be disposed of.

Learned advocate representing the respondent no. 8 submits, upon instruction that, the construction was being made in accordance with the plan sanctioned by the Corporation.

It has been submitted that there has been no encroachment by the private respondent and construction has been made within the land of the private respondent.

None appears on behalf of the Kolkata Municipal Corporation despite service.

Affidavit-of-service filed in Court today is taken on record.

As it appears that the representation of the petitioners 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 being the Executive Engineer, Building Department, KMC to consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months 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 petitioners 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 unauthorized 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 petitioners.

The petitioners are directed to forward a copy of the representation dated March 28, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)