

Sl. No.26
24.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 7190 of 2022

Ishrat Jahan
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Shadab Siddique
... for the petitioner
Mr. Wasim Ahmed
Mr. Sk. Md. Masud
... for the State
Mr. Nayan Chand Bihani
Mr. Dwijadas Chakraborty
... for the Kolkata Municipal Corporation
Mr. Tarak Nath Halder
... for the private respondent nos.7 to 11

The petitioner alleges illegal and unauthorised construction. A representation was filed on behalf of the petitioner before the Kolkata Municipal Corporation in April, 2022. The petitioner alleges that the same has not been taken up for consideration till date.

The respondents are represented.

The writ petition is accordingly disposed of by directing the respondent no.4, the Executive Engineer, Building Department, 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 posted on 5th April, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Affidavit of service filed in Court is taken on records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)