

Sl. No.148
(Monthly List)
19.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8676 of 2021

Sk. Kalam
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Bidhayak Lahiri
Mr. Md. Kalam
Mrs. Bhaswati Lahiri
... for the petitioner
Mr. Debjit Mukherjee
Mrs. Susmita Chatterjee
... for the Kolkata Municipal Corporation
Mr. Sounak Bhattacharya
... for the respondent nos.8 to 10

The petitioner alleges illegal and unauthorised construction at the instance of the private respondents over the premises No.T-136, Murry Road, Police Station Rajabagan, Kolkata-700 018 under Ward No.138 under the jurisdiction of the Kolkata Municipal Corporation.

According to the petitioner construction has been made without obtaining any sanction from the Kolkata Municipal Corporation and construction is being made over a plot of land recorded as water body.

The petitioner filed objection before the respondent authority in December, 2020 and alleges that the same has not been taken up for consideration till date. Further representation was filed by the petitioner in March, 2021

and the same has also not been taken up for consideration.

Learned advocate representing the private respondents denies the allegations made by the petitioner.

It has been submitted that construction is being made over the premises No.T-135/3, Murray Road, Kolkata. It has further been submitted that records of the said plot of land has been corrected and has been recorded as 'danga'. Necessary order for conversion of the classification of the said plot of land has also been issued in favour of the person responsible for making construction.

Learned advocate representing the Kolkata Municipal Corporation submits that a departmental inspection was carried out but no recent construction has been detected.

Accordingly, the instant writ petition is disposed of by directing the Executive Engineer (Building), being the respondent no.4, to take steps to consider and dispose of the representation which was filed by the petitioner on 10th December, 2020 along with representation dated 16th March, 2021 at the earliest, but positively within a period of twelve weeks from the date of communication of this order, after giving reasonable opportunity of hearing to the petitioner and all other necessary parties.

The aforesaid respondent shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representations of the petitioner.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 10th December, 2020 and 16th March, 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.)