

20
07.06.2022
Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 7618 of 2022

Md. Chand
versus
Firhad Hakim, Mayor, the Kolkata Municipal
Corporation & Ors.

Mr. Tanvir Hossain
... for the Petitioner
Mr. Dwijadas chakraborty
Mr. Sk. Sujauddin
... for Kolkata Municipal Corporation

The petitioner alleges illegal and unauthorised construction by the private respondent over the premises No.55C/1, Dr. G. S. Bose Road, Ward No.67, Borough-VII under Kolkata Municipal Corporation.

In reply to query made by the petitioner, the Executive Engineer (Civil)/Building, being the SPIO intimated the petitioner that no building plan has been sanctioned in respect of the aforesaid premises.

The petitioner made repeated representations against the aforesaid illegal construction but none of the representation have been answered by the respondents till date.

None appears on behalf of the private respondent despite service.

Affidavit of service filed in court is taken on record.

As it appears that the complaint filed by the petitioner against such illegal construction is pending consideration at the end of the respondent authority, accordingly, the instant writ petition is disposed of by directing the Executive Engineer (Civil), Borough-VII, Kolkata Municipal Corporation to consider the complaint filed by the petitioner on 22nd April, 2022 strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties within a period of eight weeks from the date of communication of this order.

The aforesaid respondents shall cause an inspection upon giving prior notice to both the parties and thereafter consider and decide the issue by passing a reasoned order to be communicated by 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 kept open to be decided by the aforesaid respondents at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of his representation dated 22nd April, 2022 along with all supporting documents to the aforesaid respondent at the time of order of the court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)