

Item No. 22

07.06.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8175 of 2022
Shree Balasaria Construction Private Limited & Anr.
v.
The Kolkata Municipal Corporation & Ors.

Mr. Arindam Banerjee
Mr. Ajay Agarwal
Mr. Sanket Sarawgi
Mr. Arka Banerjee
... for the petitioners.

Mr. Dwarikanath Mukherjee
Mr. Janardan Mondal
... for the State respondents.

Mr. Gopal Chandra Das
Ms. Tanushree Das Gupta
... for the Kolkata Municipal Corporation.

Mr. R. Mukherjee
... for the respondent no. 8.

Mr. Anirban Datta
... for the respondent no. 9.

The petitioner no. 2 claims to be developer of the Premises No. 7, Mohini Mohan Road, Police Station-Bhawanipore, Ward No. 70, Borough No. VIII, Kolkata-700020.

The allegation of the petitioner is that the respondent nos. 8 & 9, who are tenants and in possession of portions of the said property are making unauthorized construction therein.

The petitioner made a representation before the authorities of the Kolkata Municipal Corporation alleging such unauthorized construction on April 18, 2022. The petitioner alleges that the said representation has not been considered by the respondents till date.

The private respondent nos. 8 & 9 vehemently oppose the submissions of the petitioner. It has been submitted that they are tenants of the said premises and are in occupation thereof for quite some time. It has been specifically submitted that no unauthorized construction is being made by them.

As it appears that the application alleging unauthorized construction is pending consideration at the end of the respondents, accordingly the instant writ petition is disposed of by directing the Executive Engineer (Civil-Building), Borough No. VIII of the Kolkata Municipal Corporation being the respondent no. 5 herein to consider and dispose of the representation filed by the petitioner no. 2 on April 18, 2022 strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioner as well as all other necessary parties including the private respondents herein. The aforesaid authority, if required, shall afford an opportunity of hearing to the landlord of the aforesaid premises.

A decision shall be taken in the matter at the earliest but positively within a period of ninety days from

the date of communication of a copy of this order. The reasoned decision shall be communicated to the parties immediately thereafter.

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

The petitioner is directed to forward a copy of the representation dated April 18, 2022 to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)