

S/L. 103.
July 18, 2022.
MNS.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA No. 8242 of 2022

Kamal Yadav
Vs.
The Kolkata Municipal Corporation and
others

Mr. Parashar Baidya,
Mr. Rajib Acharya

... for the petitioner.

Mr. Srijan Nayak,
Mr. Dwijadas Chakraborty,
Sk. Sujauddin

...for the K.M.C.

Mr. Biswabrata Basu Mullick,
Mr. Sanjib Das

...for the State.

The petitioner alleges illegal and unauthorised construction at the instance of the respondent no. 7 over the premises no. 11, Tiljala Road, Police Station- Tiljala, Ward No. 66, Borough- VII, Kolkata – 700 039 under the jurisdiction of the Kolkata Municipal Corporation. The petitioner filed representation before the Kolkata Municipal Corporation in April, 2022 and alleges that the same has not been taken up for consideration till date.

None appears on behalf of the respondent no. 7, despite service.

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

As it appears that the representation of the petitioner 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. 5, being the Executive Engineer, Building Department, Borough- VII, Kolkata Municipal Corporation to consider and dispose of the representation made by the petitioner on April 25, 2022 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 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 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 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 dated April 25, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Amrita Sinha, J.)

