

Sl. No.112
19.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 8689 of 2022

Sk. Aishan Hossain
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Ramij Munsif ... for the Petitioner

The petitioner alleges illegal and unauthorised construction at the instance of the respondent nos.6 & 7.

The petitioner submits that initially a plan was sanctioned in respect of premises No.76/2A, Manasatala Lane, Police Station-Watgunge, Ward No.77, Borough-IX, Kolkata-700 023, for construction of a G+2 storied building. The private respondent made construction of G+5 storied building without obtaining any sanction from the Kolkata Municipal Corporation. The objection filed by the petitioner on 2nd March, 2022 has not been addressed by the Kolkata Municipal Corporation.

None appears on behalf of the respondents despite service.

Affidavit of service filed in Court is taken on records.

In view of the order that I propose to pass, none of the parties will be prejudiced if the writ petition is disposed of in the following manner.

The writ petition is accordingly disposed of by directing the respondent no.4, being the Executive Engineer (Building), Borough-IX, 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 dated 2nd March, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

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.)