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31.08.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 9537 of 2022

**Sujit Kumar Dey
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Sourav Banerjee,
Mr. Arnab Dutt.
...For the Petitioner.**

**Mr. N.C. Bihani,
Mr. Debasish Kar.
...For KMC.**

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

The petitioner complains that the respondent Nos. 6 and 7 are using the premises no. 169, Rajdanga Naabapally in Ward No. 107, Borough-XII of the Kolkata Municipal Corporation for non-residential use, even though the portions which the respondent Nos. 6 and 7 are occupying are meant for residential use.

It is the further submission of the petitioner that the aforesaid respondents have demolished the columns inside the portion of the premises that they are occupying without the necessary permission/sanction from the Kolkata Municipal Corporation.

According to the petitioner, two adjoining flats have been combined and converted to a single apartment and being used as a multi-gym for commercial purpose.

The petitioner has filed an objection against the same before the Kolkata Municipal Corporation but on a perusal of the said representation, it appears that the same is not a comprehensive one. Vital averments are missing in the said objection.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to file a comprehensive representation before the Kolkata Municipal Corporation giving details of the alleged unauthorized construction or unauthorized change of use of the premises.

In the event such a representation is made, the respondent No.5 being the Executive Engineer, Borough-XII, Kolkata Municipal Corporation shall consider the same in accordance with law, after giving an opportunity of hearing to the petitioner and all other necessary parties within a period of twelve weeks from the date of filing the representation.

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

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)