

09.06.2022
d.p.

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

W.P.A 11427 of 2019

**Subhamay Banerjee
-versus
The State of West Bengal & Ors.**

Mr. S.P. Lahiri.
...For the Petitioner.

**Mr. Alok Kumar Ghosh,
Mr. Arijit Dey.**
...For KMC.

**Mr. Amitava Mukherjee,
Ms. Mun Mun Dubey,
Ms. Ankita Ghosh.**
**...For the Respondent
Nos. 4 and 5.**

The petitioner claiming to be one of the co-owners of the premises No. 34/4A, Sastitola Road, Kolkata-700011 alleges that the private respondents are using a portion of the said premises for commercial purpose without obtaining necessary permission from the Kolkata Municipal Corporation.

The petitioner made a representation before the Kolkata Municipal Corporation in the year 2014 and thereafter a notice demanding justice was issued by the learned advocate for the petitioner in the year 2018.

The petitioner alleges that none of the representations have been considered by the respondents till date.

Learned advocate appearing for the private respondents denies the allegation made on behalf of the petitioner. It has been submitted that a development agreement has been entered into by and between a few of the co-sharers of the property with the private respondents.

The petitioner with the sole view of stalling development of the property has come up with the wild allegation of use of residential premises for commercial purpose.

Learned advocate appearing for the petitioner submits that the writ petition was filed in the year 2019 and thereafter certain development has taken place which are required to be brought to the notice of the Kolkata Municipal Corporation for the purpose of effective disposal of the instant lis.

In view of such submission, leave is granted to the petitioner to make appropriate application before the concerned officer of the Kolkata Municipal Corporation praying for redressal of his grievances.

In the event such a representation is made, the same shall be considered and decided by the Kolkata Municipal Corporation, strictly in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

Steps shall be taken in the matter within a period of eight weeks from the date of receipt of the representation from the petitioner.

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

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 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.)