

Sl. No.11
14.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 13454 of 2021

Laxman Shaw
Versus
The State of West Bengal & Ors.

Mr. Sandeep Prasad Shaw
Ms. Ilika Patra

... for the Petitioner

Mr. Rajarshi Basu
Mr. Abdus Salam

... for the State

Mr. Kajal Mukherjee
Mrs. Paramita Pal
Mr. Bikash Chakraborty
Mr. Soumojit Sen

... for the respondent nos.11 to 14

Learned advocate representing the respondent nos.11 to 14 has filed his Vakalatnama in the department being filing No.A-9910 dated 13.09.2022.

The department is directed to tag the Vakalatnama with the records of the present case.

Leave granted to the Advocate on Record of the petitioner to implead the Executive Engineer of the concerned Borough as party respondent in the instant writ petition. As copy of the writ petition has already been served upon the Kolkata Municipal Corporation the formality of serving further copy upon the added respondent stands dispensed with.

None appears on behalf of the Kolkata Municipal Corporation despite service.

Affidavit of service filed in Court is taken on record.

The petitioner complains of illegal and unauthorised construction at the premises nos.J-474/C/3 and J-474/C/1, Paharpur Road, Post Office & Police Station – Garden Reach, District-South 24 Parganas, Kolkata-700 024.

The petitioner filed representation before the Kolkata Municipal Corporation in August, 2021 and alleges that the same has not been taken up for consideration till date.

Learned advocate representing the private respondent denies the allegations made by the petitioner. It has been submitted that the construction has been made strictly in accordance with the plan that has been sanctioned by the Kolkata Municipal Corporation.

As it appears that the representation filed by the petitioner is pending consideration at the end of the Corporation, accordingly, the writ petition is disposed of by directing the respondent no.7(a), being the Executive Engineer (Civil), Borough- XV 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 twelve 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 6th August, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)