

19.01.2022
Item No.21
srm

W.P.A. No. 13550 of 2021

Md. Ismail

Vs.

The State of West Bengal & Ors.

Mr. Prasanta Kumar Pakrashi,
Mr. P. Das,
Mr. A. Sahoo

...for the Petitioner.

Ms. Sutapa Sanyal,
Ms. Rajlakshmi Ghatak

...for the State-Respondents.

Mr. Achintya Kumar Banerjee,
Mr. Tarun Chatterjee

...for the KMC.

Mr. Malay Kumar Singh,
Mr. Sandip Dey
Ms. Nabanita Kapat

...for the Respondent Nos.7 to 12.

Supplementary affidavit is taken on record.

The prayer for addition of the respondents, as enumerated in paragraphs 3(a) to 3(g) of the supplementary affidavit, is allowed.

Office is directed to take steps by adding the said respondents as respondent Nos.7 to 13.

Mr. De, learned Advocate appears on behalf of the respondent Nos.7 to 12.

The grievance of the petitioner has already been taken care of by the Hon'ble Division Bench of this Court by an order dated December 3, 2021 passed in the matter of Golam Rashid vs. The State of West Bengal & Ors. (In Re: MAT No.1281 of 2021 with CAN 1 of 2021). The Hon'ble Division Bench directed that the Kolkata Municipal Corporation must look into the complaint in respect of Premises No.B/64/H/3, Broad Street, Police Station-Karaya, Kolkata-700 019. The relevant portion of the order of the Hon'ble Division Bench is quoted below:

“The writ petitioner approached the learned Single Judge with the grievance that unauthorized construction was being made by the private respondent at four locations i.e., Broad Street, Bright Street, Radha Gobinda Saha Lane and Tiljala Lane.

The private respondent submitted before the learned Single Judge that he had no connection with the constructions at Broad Street and Tiljala Lane. Accordingly, the learned Single Judge did not pass any order in respect of those two premises. In respect of the other two premises, the Learned Single Judge directed the Corporation to decide the representations made by the writ petitioner.

The writ petitioner has come up on appeal with the grievance that representations are also pending in respect of the Broad Street and Tiljala Lane constructions. According to the writ petitioner it is the private respondent who is responsible for such constructions also.

Mr. Panda, learned Advocate, representing the Corporation has apprised us that his client has received four representations in respect of the four properties. We direct the Corporation to dispose of such representations by a reasoned order in

accordance with law and the applicable rules and regulations and after giving an opportunity of hearing to all concerned parties including the private respondent and the writ petitioner. Let such decision be taken at the earliest and in any event within ten weeks from the date of communication of this order to the concerned officer of the Corporation.”

Thus, no further order need be passed in this writ petition, as the grievance of the petitioner has already been addressed.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)