

ML 27
06.12.2022
d.p.

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

W.P.A 13878 of 2021

**Bonobithi Chatterjee
-versus
The State of West Bengal & Ors.**

**Mr. Amrito Gourav Kar.
...For the Petitioner.**

**Ms. Sipra Mazumdar,
Ms. Sampeeta Roy.
...For the State.**

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

None appears on behalf of the private respondents in spite of service.

The petitioner alleges illegal and unauthorized construction at Premises No. 32, Sarsuna Main Road, Ward No.-127 under the jurisdiction of Kolkata Municipal Corporation.

The petitioner complains that the representation filed before the respondent authority has not been considered.

Learned advocate appearing for the Kolkata Municipal Corporation has filed a status report before this Court signed by the Assistant Engineer (Civil),

Building Department, Borough-XIII and XIV on 16th November, 2021 mentioning that the site has been inspected and it was found that the site is bounded by boundary wall. Three sides were visible but the rear side was not visible from the front. A major portion of the site is covered with bushes and jungles. At one corner a temporary structure with bamboo and darma is seen along with a toilet. No unauthorized construction was detected.

The plot is mostly covered with jungles and bushes. Chances of spreading of mosquito borne diseases are there. The owners are not maintaining the plot to avoid spread of diseases which may be a health hazard in the locality.

A report has been filed by the Officer-in-Charge, Sarsuna Police Station which mentions that a spot enquiry was conducted and no new construction work has been found.

From the aforesaid two reports placed before this Court, the allegation of the petitioner of unauthorized construction cannot be substantiated.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

In the event any new unauthorized construction is found to be made, the petitioner will be at liberty to file fresh representation before the Kolkata Municipal Corporation.

The report given by the Officer-in-Charge, Sarsuna Police Station be retained with the records.

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

(Amrita Sinha, J.)