

Item No. 141

26.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14839 of 2022
Mahasweta Bandyopadhyay
v.
The Kolkata Municipal Corporation & Ors.

Mr. Triptimoy Talukder
Mr. Diptomoy Talukdar
Mr. Abhiraj Talukdar
... for the petitioner.

Mr. Kamal Krishna Pathak
Mr. Souvik Maji
... for the respondent no. 5 & 6.

Mr. Raja Saha
Mr. Shuvro Prakash Lahiri
... for the State.

Mr. N.C. Bihani
... for KMC.

The petitioner alleges that the respondent nos. 5 & 6 were making illegal and unauthorized construction.

The petitioner also alleges that there is encroachment of the common passage at the instance of the respondent nos. 5 & 6.

The representation filed by the petitioner before the Kolkata Municipal Corporation speaks about the unhygienic conditions arising out of the alleged unauthorized construction at the instance of the respondent nos. 5 & 6.

The petitioner submits that public urinals are being constructed at the instance of the respondent nos.

5 & 6 just opposite to the petitioner's premises which is resulting in unhygienic condition in the entire area.

The representation filed by the petitioner does not speak about the public urinals.

It will be open for the petitioner to make comprehensive representation before the authority concerned highlighting all the illegalities at the time of making construction at the instance of the respondent nos. 5 & 6.

In the event such a representation is filed, the same shall be taken into consideration by the concerned authority of the Kolkata Municipal Corporation in accordance with law after giving reasonable opportunity of hearing to the petitioner as well as the other necessary parties.

A reasoned order shall be passed and communicated to the parties.

As regards the allegation of encroachment made by the private respondents it will be open for the petitioner to approach the competent forum for relief, if so advised.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)