

Sl. No.18
16.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 19551 of 2021

Saiyad Lalu & Anr.
Versus
The State of West Bengal & Ors.

Mr. Prantick Ghosh
Mr. Siddhartha Sarkar

... for the petitioner

Mr. Arijit Dey

... for Kolkata Municipal Corporation

Mrs. Sipra Mazumder
Ms. Sangeeta Ray

... for the State

Mr. Imtiaz Ahmed
Mr. Sankar Paul
Ms. Tapati Sarkar

... for the respondent nos.6, 7 & 8

None appears on behalf of Kolkata Municipal Corporation despite service.

Affidavit of service filed in Court is taken on records.

Learned advocate for the petitioner is directed to serve a copy of the writ petition upon Mr. Arijit Dey, learned advocate who is present in Court and usually represents the Kolkata Municipal Corporation before this Court.

The Kolkata Municipal Corporation is directed to regularize the appointment of Mr. Dey.

The petitioner alleges illegal and unauthorised construction at the instance of the respondent nos.6, 7 & 8.

The learned advocate for the petitioner submits that objection filed before the Corporation by the learned advocate of the petitioner in October, 2021 has not been considered till date.

Learned advocate representing the respondent nos.6, 7 & 8 submits, upon instruction that, construction was being made in accordance with the plan that has been sanctioned.

The writ petition is accordingly disposed of by directing the respondent no.3, being the Executive Engineer (Building), 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 learned advocate for the petitioner is directed to forward a copy of the representation of the learned advocate dated 7/21st October, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)