

Item No. 98

31.10.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19711 of 2022
Sri Deb Kumar Basak & Anr.

v.

The Municipal Commissioner, KMC & Ors.

Mr. Subham Gupta
Mr. Tanmoy Kumar Dey
... for the petitioners.

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
... for the State.

The petitioners allege illegal and unauthorized construction. The complaint filed by the petitioners on February 22, 2022 has not been taken up for consideration by the Kolkata Municipal Corporation till date.

None appears on behalf of the Kolkata Municipal Corporation or the private respondent at whose instance the construction is being made.

The State is represented by the learned advocate.

As it appears that the representation of the petitioners objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Municipal Commissioner, Kolkata Municipal Corporation or his authorized delegate to consider and dispose of the representation made by the

petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioners within a period of three months 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 petitioners 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 unauthorized 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 petitioners.

The petitioners are directed to forward a copy of the representation dated February 22, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities

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(Amrita Sinha, J.)