

Item No.27

25.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 22730 of 2022
Jaykrishna De & Ors.

-vs.-

The Kolkata Municipal Corporation & Ors.

Mr. Sabyasachi Mukherjee
Mr. Bibek Dey
Ms. Debarati Choudhury
Mr. Mukesh Khanna
Mr. Noortaj Ahmed Mallick
... for the petitioners.

Mr. Gopal Chandra Das
Ms. Susmita Chatterjee
... for KMC.

None appears on behalf of the respondent no. 13.

The petitioners are aggrieved by the inaction on the part of the Kolkata Municipal Corporation in taking steps to consider their representation filed in August 2022 seeking regularization of the unauthorized construction made at the Premises No. 172(185), Diamond Harbour Road, Ward No. 132, Borough-14, Kolkata-700060.

Petitioners submit that the Corporation has already demolished the unauthorized structure and presently the petitioners pray for regularization of the same.

Petitioners rely upon the third proviso of Section 400 of the Kolkata Municipal Corporation Act, 1980.

Learned advocate representing the Kolkata Municipal Corporation does not have any instruction in the matter.

As it appears that the representation of the petitioners seeking regularization is pending consideration at the end of the Corporation, accordingly the instant writ petition is disposed of by directing the Municipal Commissioner or his delegate to take into consideration the representation of the petitioners dated August 16, 2022 in accordance with law and pass a reasoned order and communicate the same to the parties.

The aforesaid respondent shall afford an opportunity of hearing to the petitioners prior to take a final decision in the matter. If required, a spot inspection may also be conducted upon prior notice.

The consideration shall be made at the earliest but positively within a period of twelve weeks from the date of communication of this order.

It has been submitted that the respondent no. 23 has expired.

The 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.

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(Amrita Sinha, J.)