

Item No. 37

30.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 24517 of 2022

Sultana Begum

-vs.-

The Kolkata Municipal Corporation & Ors.

Sk. Rejaul Alam

... for the petitioner.

Ms. Rituparna Maitra

... for KMC.

Mr. Bipin Ghosh

Mr. Benzir Ahamed

... for the State.

The petitioner alleges illegal and unauthorized construction at Premises No. 30/1A, Kabitirtha Sarani, Ward No. 76, Borough-IX, Kolkata Municipal Corporation.

The petitioner complains that the representation filed on August 3, 2022 objecting to such unauthorized construction is yet to be disposed of.

None appears on behalf of the respondent nos. 7 & 8 despite service.

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

Learned advocate for the Corporation is not ready with proper instruction in the matter.

As it appears that the representation of the petitioner 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 respondent no. 4 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 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 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 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 petitioner.

Leave granted to the petitioner to file fresh representation giving details of the unauthorized construction at the time of communicating the order of the Court.

The writ petition stands disposed of.

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.)