

Item No.24
01.12.2022
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Ct. 24

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 24843 of 2022

**Alok Kumar Naskar and Ors.
-versus
The Kolkata Municipal Corporation & Ors.**

Ms. Sweta Saha
Ms. Ishita Basu
..for the petitioners

Mr. Sujit Bhunia
Ms. Rimpay Mukherjee
Mr. Pratap Sanfui
Mr. Subhadeep Maitra
..for the private respondents

Mr. Gopal Chandra Das
Mr. Rudranil De
..for the KMC

The petitioners' grievance is that the Corporation is not taking steps to consider and dispose of the application for sanction submitted by the petitioners in May, 2022. The representation filed by the petitioners on 25th August, 2022 is also pending.

Learned advocate representing the respondent No.6 submits that land in question where the petitioners seek sanction is an undemarcated plot of land. Two civil suits, one filed by the petitioners and the other by the power of attorney holder of the petitioners

are pending consideration before the learned Court below.

Learned advocate representing the Kolkata Municipal Corporation is yet to receive instruction in the matter.

Documents annexed to the writ petition shows that the application of the petitioners seeking sanction is yet to be disposed of by the Kolkata Municipal Corporation.

According to the provision of law, the Corporation ought to intimate the applicant the fate of the application seeking sanction, but the same has not been done till date.

In view of the above, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to consider and dispose of the application filed by the petitioners seeking sanction strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of eight weeks from the date of communication of this order.

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

It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided by the respondent

authority at the time of consideration of the prayer of the petitioners.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 25th August, 2022 along with all supporting documents to the respondent authority 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.

(Amrita Sinha, J.)