

WPO No.196 of 2021

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

ORIGINAL SIDE

MD. ARSHAD WAKIL & ANR.

-Versus-

THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 25th July, 2022.

Appearance:

Mr. Raghunath Chakraborty, Adv.
...for Petitioners.

Mr. Alok Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
..for KMC.

The Court:- Learned Advocate for the petitioners submits that a copy of the writ petition has duly been served upon the respondent no.7 at whose instance the alleged unauthorized construction is being made on the terrace of the premises no.36, Elliot Road, Kolkata-700 016, Police Station-Park Street, Borough-VI under Kolkata Municipal Corporation.

Leave is granted to file affidavit of service in course of the day.

As it appears that the legal representation filed on behalf of the petitioners alleging illegal construction over the aforesaid premises is pending consideration at the end of the Kolkata Municipal Corporation since March, 2021, accordingly, the instant writ petition is disposed of by directing the respondent no.5 being the Executive Engineer, Borough-VI of the Kolkata Municipal Corporation to consider the complaint filed on behalf of the

petitioners in March, 2021 strictly in accordance with law after giving reasonable opportunity of hearing to the petitioners as well as other necessary parties and to pass a reasoned order within a period of eight weeks from the date of communication of this order and to communicate the reasoned order 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 aforesaid respondent at the time of consideration of the representation filed on behalf of the parties.

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.

The petitioners are directed to forward a copy of the representation dated 26th March, 2021 to the aforesaid respondent at the time of communicating the order of this Court.

Writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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