

OD-3

ORDER SHEET
WPO No.2180 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MOUSUMI CHATTERJEE
Vs.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 7th June, 2022.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Ms. Amrita De, Adv.
..for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Ms. Tanusree Dasgupta, Adv.
...for KMC.
Ms. Nilofer Siddique Alam, Adv.
..for the State.

The Court:-The petitioner alleges that the ground floor of the multistoried building where the petitioner is residing at premises no. 412B/1, Netaji Subhas Chandra Bose Road (Northern Side), Kolkata-700 047 is earmarked for garage/car parking space.

The petitioner alleges that the said car parking space is being used for non-residential purpose and more particularly the same is being used for commercial use as a day care unit.

The petitioner made representation before the Executive Engineer, Borough-10, Kolkata Municipal Corporation on 11th February, 2022. A complaint was made before the Officer-in-Charge, Netaji Nagar P.S. on 23rd January, 2022.

The petitioner alleges that the said representation has not been considered till date.

As it appears from the representation made by the petitioner on 11th February, 2022 alleging change in the use of the premises is pending consideration before the respondent authorities, accordingly, the instant writ petition is disposed of by directing the respondent no.4 being the Executive Engineer, Borough 10 to consider and dispose of the said representation strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of communication of this order. The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the case of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the said representation.

Report filed by the Officer-in-Charge, Netaji Nagar P.S. in Court is taken on record.

Leave is granted to the learned Advocate-on-record of the petitioner to file affidavit of service in the Department in course of the day.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)

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