

WPO No.2318 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI SOMESH CHANDRA BHATTACHARYYA
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 12th July, 2022.

Appearance:

Mr. Deep Narayan Mukherjee, Adv.

Mr. Debayan Ghosh, Adv.

Mr. Aziz Amin, Adv.

...for the Petitioner.

Mr. Rudranil De, Adv.

Mr. Debangshu Mondal, Adv.

...for KMC.

The Court:-The matter relates to the tenanted room nos.1 in the ground floor and 10B in the first floor of the premises no.88/2A, Rafi Ahmed Kidwai Road, Kolkata-700013, Ward No.51, Borough-VI under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner claims to be the owner of the said portion of the aforesaid premises. The allegation of the petitioner is that his tenant, respondent no.5, Ms. Jagjit Kaur has constructed an internal staircase from the ground floor to the first floor by making a hole in the concrete ceiling of the ground floor. The said work was done without obtaining any sanction from the Kolkata Municipal Corporation.

The petitioner made representation on 7th December, 2021 before the Director General of Building, Kolkata Municipal Corporation as well as before the Executive Engineer, Borough-VI, Ward No.51 of the Corporation

objecting to the said unauthorised construction and alleges that the same has not been taken up for consideration till date.

Notice demanding justice was also served on behalf of the petitioner in May, 2022. The same has also not been considered by the respondent authority till date.

None appears on behalf of the respondent no.5 despite service.

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

As it appears that there is an allegation of unauthorised construction by the petitioner in the aforesaid premises, accordingly the instant writ petition is disposed of by directing the respondent no.3 being the Executive Engineer (Civil), Building Department, Kolkata Municipal Corporation, Ward no. 51, Borough-VI of the Kolkata Municipal Corporation to consider the representation filed by the petitioner on 7th December, 2021 strictly in accordance with law after giving a reasonable opportunity of hearing to the petitioner as well as the respondent no.5 and pass a reasoned order within a period of twelve weeks from the date of communication of this order. The reasoned order shall be communicated to the parties immediately thereafter.

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

The petitioner is directed to forward a copy of the representation dated 7th December, 2021 along with all other documents in support of his

claim to the aforesaid respondent at the time of communicating the order of the Court.

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.)

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