

WPO No.2328 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PRATEEK TIWARI & ANR.
VS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 13th July, 2022.

Appearance:
Mr. Sunil Kumar Gupta, Adv.
Mr. Dipanjan Biswas, Adv.
...for the Petitioners.

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

Mr. Probal Kumar Mukherjee, Adv.
Mr. Suhrid Sur, Adv.
...Respondent No.12.

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

The petitioners claim to be the adjacent owners of the property being premises no. 66/1, Nimtolla Ghat Street, Kolkata-700006, Ward No.20, P.S.-Jorabagan under the jurisdiction of the Kolkata Municipal Corporation.

The petitioners allege that the construction is being made at the aforesaid premises in contravention of the Kolkata Municipal Corporation Act, 1980 and the Building Rules, 2009.

The petitioners filed representation before the Kolkata Municipal Corporation on 10th August, 2021 and a reminder on 11th May, 2022. The

petitioners allege that none of the representations have been taken into consideration till date.

Learned Advocate representing the respondent no.12 submits that the petitioners have vested interest in the property in question. They initially intended to develop the said property but as the owners did not accede to the request of the petitioners the petitioners have filed the complaint before the Kolkata Municipal Corporation.

It has been submitted that the construction is being made strictly in accordance with the plan sanctioned by the Kolkata Municipal Corporation and the construction has been made up to the G+ 4th floor level.

From the documents annexed to the writ petition and upon hearing the submissions made on behalf of the parties it does not appear that the representations filed by the petitioners were taken into consideration by the Kolkata Municipal Corporation.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer (Building), Borough-II, Kolkata Municipal Corporation being respondent no.5 herein to take a decision with regard to the representations filed by the petitioners on 10th August, 2021 and 11th May, 2022 strictly in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to all the parties immediately thereafter. The aforesaid respondent shall consider the representations at the earliest but positively within a period of four months from the date of communication of this order.

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 representations filed by the petitioners.

The petitioners are directed to forward a copy of the representations dated 10th August, 2021 and 11th May, 2022 along with all other documents in support of their claims 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.)