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ORDER SHEET
WPO 2738 OF 2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ANSHU AGARWAL AND ORS.
Versus
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 29th September, 2022

Appearance:
Mr. Achinta Banerjee, Adv.
Mr. Biswajit Mukherjee, Adv.
Mr. Meghnad Dutta, Adv.
Mr. Rajesh Upadhyay, Adv.
For petitioners

Mr. Alak Kumar Ghosh, Adv.
Ms. Manisha Nath, Adv.
For KMC

The Court: The petitioners complain of illegal and unauthorised construction at the premises no. 318, Chittaranjan Avenue, Ward No. 26, Borough – IV under the jurisdiction of the Kolkata Municipal Corporation. The petitioners allege that the representation filed before the Corporation on 29th August, 2022 has not been considered till date.

None appears on behalf of the private respondents despite service.

Respondent no. 14 could not be served as he was not available at the time of service.

In view of the order that I propose to pass, none of the parties would be prejudiced if the writ petition is disposed of as follows:-

The writ petition is disposed of by directing the respondent no. 4 being the Executive Engineer (Civil), Building Department, Borough-IV & V, Kolkata Municipal Corporation to consider and dispose of the representation made by the petitioners strictly in accordance with law, after conducting a spot inspection upon prior notice to the parties and after giving an opportunity of hearing to all the necessary parties including the petitioners within a period of three months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioners immediately thereafter.

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.

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

The petitioners are directed to forward a copy of the representation dated 29th August, 2022 to the aforesaid respondent 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.)

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