

OD-3

ORDER SHEET

WPO No.3139 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

CHANDANA MONDAL
VS.
STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:22nd December, 2022.

Appearance:
Mr. Dyutiman Banerjee, Advocate for the Petitioner.

Mr. Debjit Mukherjee, Ms. Susmita Chatterjee,
Advocates for KMC.

The Court:- The petitioner alleges illegal and unauthorized construction at the behest of the private respondents at premises No.23/1, Harodhole Lane, Police Station-Jorabagan, Kolkata-700 005, Ward No.19.

The petitioner complains that the representation objecting to such unauthorised construction filed before the Corporation in October, 2022 is yet to be considered.

Affidavit of service filed in Court does not bear proof of service upon the private respondents.

Learned advocate representing the Kolkata Municipal Corporation is yet to receive any instruction in the matter.

In view of the order that I propose to pass, none of the non appearing parties could be prejudiced if the writ petition is disposed of in the following manner:-

From the documents annexed to the writ petition, it appears that the petitioner is yet to lodge a formal complaint before the Executive Engineer (Civil), Building Department, Kolkata Municipal Corporation of the concerned Borough.

Accordingly, leave is granted to the petitioner to file appropriate objection before the concerned Executive Engineer (Civil), Building Department, Kolkata Municipal Corporation giving details of the unauthorized construction that is being made at the subject premises.

In the event such a representation is made, the concerned Executive Engineer (Civil), Building Department, Kolkata Municipal Corporation shall consider the same strictly in accordance with law at the earliest after giving a reasonable opportunity of hearing to all the necessary parties and pass a reasoned order within a period of twelve weeks from the date of filing the complaint.

If it transpires that there is any unauthorized construction at the subject premises, then necessary steps shall be taken to deal with the same.

Formal order shall be passed and communicated to the parties.

The 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.)