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ORDER SHEET

WPO/3175/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. ALI
-VS-
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : December 14, 2022.

Appearance:

Mr. Abhishek Sikdar, Adv.
Ms. Sahili Dey, Adv.
...for the petitioner

Mr. Alak Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
...for the KMC

Mr. Manoj Malhotra, Adv.
Mr. Santanu Chatterjee, Adv.
...for the State

Mr. F. Nasim, Adv.
...for the respondent no.7

The Court: The petitioner complains of illegal and unauthorized construction at the premises no.B/10/2A/1/H/19, Kabitirtha Sarani formerly known as 10/2, Watgunge Street, Police Station- Watgunge, Kolkata-700023, ward no.75, Borough-IX under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner objected to the said construction by writing a letter on 29th August, 2022. Thereafter the petitioner obtained information under the Right to Information Act that as per available office records no plan has been sanctioned in respect of the aforesaid premises. The petitioner made further

representation before the Municipal Commissioner on 26th September, 2022 and alleges that none of the objections have been taken up for consideration till date.

Learned advocate representing the private respondent is yet to receive any instruction in the matter.

Learned advocate for the Kolkata Municipal Corporation is not ready with proper instruction.

A report has been filed by the Additional Officer-in-charge, Watgunge Police Station signed on 14th December, 2022 wherein it is mentioned that the KMC served notice under Section 401 of the KMC Act, 1980 upon the private respondent on 13th December, 2022.

As it appears that the objection filed by the petitioner alleging unauthorized construction is pending consideration at the end of the Kolkata Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the Executive Engineer (Building), Ward No.-75, Borough-IX of the Kolkata Municipal Corporation to consider and dispose of the objection filed by the petitioner on 26th September, 2022 strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties immediately thereafter. The aforesaid exercise shall be completed at the earliest but positively within a period of twelve (12) weeks from the date of communication of this order.

In the event the Corporation is of the opinion that construction has been made either in deviation of the plan sanctioned or without any

sanctioned plan, necessary steps shall be taken to deal with such unauthorized construction in accordance with law.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)