

13.02.2023

sl.no.22

SS

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 1730 of 2022

Nawsad Alam

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Debanik Banerjee

Mr. Prosenjit Saha

... for the petitioner

Mr. Wasim Ahmed

Sk. Md. Masud

... for the State

Mr. Srijan Nayak

Ms. Rituparna Maitra

... for Kolkata Municipal Corpn.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents at 3/1A, Bibi Bagan Lane, P.S. Entally, Ward No.56, Borough VII under the jurisdiction of the Kolkata Municipal Corporation. The complaint filed by the petitioner objecting to such unauthorised construction is pending consideration.

Learned Advocate for the petitioner submits that an opportunity of hearing was afforded to the petitioner by the Special Officer (Building) on 29th of July, 2022 in connection with hearing in respect of the demolition case No.D-22/VII/19-20 in respect of the subject premises. The petitioner attended the hearing. The Special Officer

(Building) is yet to pass any order after the hearing was conducted.

None appears on behalf of the private respondents. Affidavit of service filed in Court is taken on record.

As it appears that a demolition case has already been initiated and hearing was conducted on 29th July, 2022, it is incumbent for the respondent authority to dispose of the aforesaid proceeding, if not already disposed, in accordance with law at the earliest.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer, Building Department, Borough VII to take steps to ensure that the demolition case is disposed of at the earliest after giving reasonable opportunity of hearing to all the necessary parties by passing a reasoned order.

The reasoned order shall be communicated to all the parties. The respondent authority shall conclude the aforesaid exercise positively within a period of twelve weeks from the date of communication of this order.

The notice of hearing issued by the Administrative Officer (Building), be retained with the records.

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.)