

20.09.2023
Item No.21
Court No.6.
AB

**M.A.T. 251 of 2023
With
CAN 1 of 2023**

**Ramakant Upadhyay
Vs
The Kolkata Municipal Corporation & Others**

Mr. S. Das,
Ms. Ananya Chakraborty...for the appellant.

Mr. Arindam Banerjee,
Mr. Sunny Nandy,
Mr. Francis Samson Correa,
Ms. Sneha Singh ...for the respondent no.10.

Mr. Gopal Chandra Das,
Mr. Rudranil De ...for the KMC.

This appeal is directed against a judgment and order dated January 11, 2023, whereby the writ petition of the appellant was disposed of by a learned Single Judge of this Court.

The appellant had approached the learned Single Judge with the grievance that the private respondent in the writ petition has made unauthorized construction and/or construction in deviation from the sanctioned plan. The Kolkata Municipal Corporation filed a report before the learned Single Judge wherefrom it appeared that the deviation that was detected has been regularized upon deposit of retention charges amounting to approximately Rs.14.09 Lacs. Accordingly, the learned Judge

disposed of the writ petition without passing any order.

Being aggrieved, the writ petitioner is before us by way of this appeal.

Although we have heard learned Counsel for the appellant on the point of locus standi of the appellant to maintain the writ petition, since the impugned construction is in Salt Lake and the appellant is a resident of Howrah, we need not go into that question or express any opinion on that in the present case.

We are told by learned Advocate for the appellant that a representation dated June 25, 2022 has been made by the appellant to various Officers of the Corporation including the Executive Engineer, Borough-III Committee, Kolkata Municipal Corporation, being the respondent no.6 herein. We direct the Executive Engineer to dispose of such representation by a reasoned order, in accordance with law and the applicable Rules and Regulations, within a period of 12 weeks from the date of receipt of a copy of this order along with a copy of the representation, after affording opportunity of hearing to all concerned parties, including the present appellant and the private respondent. The order to be passed by the respondent no.6 shall be communicated to the parties within a week from the date of the order.

MAT 251 of 2023 is disposed of along with CAN 1 of 2023.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)