

Item No.154(ML)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

25.04.2023
Ct-24

WPA 4231 of 2022
Md. Noor Alam Mistry
v.
The State of West Bengal & Ors.

Mr. Souma Subhra Ray
Mr. Nizam Gharami
Ms. Susmita Mondal
... for the petitioner.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
... for the private respondents.

None appears on behalf of the Kolkata Municipal Corporation despite service. Affidavit-of-service filed in Court today be taken on record.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondents.

According to the petitioner the private respondents are owners of contiguous land and they started illegal construction on the property of the petitioner. The petitioner through the learned advocate filed representation before the Municipal Commissioner and the Executive Engineer of the Corporation.

On a perusal of the said representation it appears that vital details of the alleged unauthorized construction are missing. The details of the contiguous land of the private respondents are not mentioned. The premises/holding number where the unauthorized construction is being made is not mentioned. The nature

and extent of the construction allegedly made at the instance of the private respondents is also not clear from the said representation.

Learned advocate for the petitioner insists that at the time of filing the writ petition only the land was being dug and presently construction has been made to a considerable extent.

Learned advocate representing the private respondents denies the allegation of the petitioner. It is the specific contention that the petitioner is trying to highlight the issue of encroachment which cannot be decided by the Corporation.

As it appears that the objection filed by the petitioner is a cryptic one and devoid of the relevant details, accordingly, the writ petition is disposed of by granting leave to the petitioner to file a comprehensive representation giving details of the construction, if any, being made contrary to the provisions of law.

In the event such a representation is made, the same shall be taken up for consideration by the authority in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties.

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.

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(Amrita Sinha, J.)