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Ct 2023
No24
AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 5634 of 2023

**Arif Azimi
Vs
The Kolkata Municipal Corporation & Ors.**

**Mr. Gautam Chakraborty
Mr. Kartick Kumar Roy
... For the petitioner.**

**Mr. Triptimoy Talukdar
Mr. Ditomoy Talukdar
Mr. Abhiraj Tarafdar
... For the Private respondent.**

**Mr. Amal Kumar Sen
Mr. Jaladhi Das
Ms. Ashima Das (Sil)
... for the State.**

The petitioner complains of illegal and unauthorised construction at the instance of the private respondent.

Objection filed against such unauthorized construction is pending consideration till date. It has been submitted that additional floors have been constructed over and above the sanctioned G+3 storey and the mandatory side open spaces have not been maintained at the time of making construction.

Learned advocate representing the private respondent denies the allegation made by the petitioner. However, from the photographs annexed to the writ petition, it is apparent that additional floors have been constructed beyond the G+3 storey.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no.1 being to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

The learned advocate for the petitioner is directed to forward a copy of the representation dated 27th February, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

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.

(Amrita Sinha, J.)