

Ct. 24
Item No.35
04.07.2023
(Suvendu)

WPA 7664 OF 2023

**Monirul Islam Mollick
Vs.
State of West Bengal & Ors.**

Mr. Indrajit Bhattacharjee

....for the petitioner

Mr. Srijan Nayak

Ms. Debangana Dey Nayak

....for the KMC

Mr. Maloy Singh

Mr. Tapas Ballav Mandal

.....for the State

Mr. Mansoor Alam

....for the private respondent no.6

The affidavit of service filed in Court today on behalf of the petitioner is taken on record.

The petitioner complains that the private respondent is guilty of raising construction by filling up a water body. The construction is being made without obtaining any sanction from the Kolkata Municipal Corporation.

The private respondent denies the allegation of the petitioner.

The private respondent submits that the construction made by him is in respect of the premises no. 134, S.A. Farooque Road, P.S.

Rajabagan, Kolkata – 700018 under Borough –XV of the Kolkata Municipal Corporation.

Learned advocate representing the Kolkata Municipal Corporation is yet to receive instruction in the matter.

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. 4 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 petitioners 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.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

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 28th February, 2023 to the aforesaid respondent at the time of communicating the order of the court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)