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Ct 2023
No24
AGM

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

WPA 7865 of 2023

**Devendra Kumar Sarawgee & Ors.
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Abhishek Halder
Mr. Tamoghna Saha
Mr. Swadesh Mishra
Ms. Madhurima Basu

... For the Petitioners.

Mr. Achintya Kumar Banerjee
Mr. Mihir Kundu

... For the Kolkata Municipal Corporation.

Mr. Suman Kumar Dutt
Mr. Suddhasatya Banerjee
Mr. Prasanta Naskar

... For the Respondent No. 6.

Mr. Amritlal Chatterjee

... For the State.

The petitioners allege illegal and unauthorised construction at 3, Alipore Park Place, Kolkata- 700 027.

It appears that the petitioners moved an earlier writ petition being WPA 14428 of 2021 alleging installation of capsule lift without sanction of the Corporation. The said writ petition was disposed of on 16th November, 2021 directing the respondent authority to take steps in accordance with law.

It has been submitted that the matter was heard by the concerned officer of the Kolkata Municipal Corporation on several occasions and further hearing has been fixed on 28th April, 2023. The issue which was before the Court in the earlier writ petition is yet to be concluded.

The petitioners allege that after order was passed in the earlier writ petition, fresh unauthorised construction

has been made at the instance of the private respondent.

The petitioners claim to have filed repeated representations highlighting such illegal construction and allege that the said representations have not been considered by the authority.

On a perusal of the representations allegedly submitted by the petitioners highlighting the unauthorised construction, it appears that the relevant details of the unauthorised construction are not mentioned therein.

For the Kolkata Municipal Corporation to take action in response to an objection filed by a party, the relevant details of unauthorized construction ought to have been mentioned.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioners to file comprehensive representation before the Kolkata Municipal Corporation highlighting the details of the unauthorised construction, if any.

If such representation is made, the same shall be taken up for consideration by the respondent 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 at the earliest.

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.)