

Item No.152

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.07.2023
Ct-24

WPA 8490 of 2023
Vineet Ruia
v.
The State of West Bengal & Ors.
With
CAN 1 of 2023 & CAN 2 of 2023

Mr. Vineet Ruia
...Petitioner in person.

Mr. Alak Kumar Ghosh
Mr. Gopal Chandra Das
... For KMC.

Mr. Jishnu Saha,
Mr. Arindam Banerjee
Mr. Satadeep Bhattacharya
... for the respondent no. 11.

The matter relates to construction under the name and style of “Rare Earth” at 93, Moulana Abul Kalam Azad Sarani, Kolkata-700054.

The petitioner is a flat owner of one of the flats constructed at the said site.

According to the petitioner, the sanction in respect of the said construction was given by the Kolkata Municipal Corporation in violation of the municipal laws.

The petitioner has obtained information from various authorities in support of his submission that the plan could not have been sanctioned in the manner it has been done by the Corporation.

A representation was filed by the petitioner before several authorities including the Kolkata Municipal Corporation. The same has not been considered.

The petitioner submits that the representation is not a comprehensive one and he intends to file a fresh representation highlighting the illegalities at the time of sanctioning the building plan.

In view of the above, the writ petition is disposed of granting liberty to the petitioner to file comprehensive representation along with the supporting documents before the Municipal Commissioner, Kolkata Municipal Corporation.

In the event such a representation is made, then the same shall be taken up for consideration and disposed of by the Municipal Commissioner, Kolkata Municipal Corporation in accordance with law after affording reasonable opportunity of hearing to all the necessary parties.

A decision shall be taken and reasoned order shall be passed and communicated to the parties at the earliest.

Affidavit-of-service filed in Court today is taken on record.

The writ petition and the connected applications stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities

Sh.

(Amrita Sinha, J.)