

Ct. 24
Item No.240
12.09.2023
(Suvendu)

WPA 14717 OF 2022

**Md. Rayish
Vs.
The Kolkata Municipal
Corporation & Ors.**

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
....for the petitioner

Mr. Subhrangsu Panda
Mr. Ira Bhattacharyya
... for the KMC

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

The petitioner complains of illegal and unauthorized construction at premises no. 13/H/18, Mayur Bhanj Road, Police Station -Ekbalpore, Kolkata -700 023. Objection filed against such unauthorized construction is pending consideration till date.

None appears on behalf of the private respondent.

Learned advocate representing the Corporation is yet to receive instructions 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.

In view of the above, the following order is passed which would also not prejudice any of the non-appearing parties.

The writ petition is accordingly disposed of by directing the respondent no. 4 to consider and dispose of the representation made by the petitioner on 20th June, 2022 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 petitioners 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 20th June, 2022 to the aforesaid respondent at the time of communicating the order of the court.

The learned advocate for the petitioner is also directed to incorporate appropriate description of the respondent no.4 in the cause-title of the writ petition.

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.)