

11.12.2023
court no. 25
serial no. 19
kaushik

WPA 16449 of 2023

Dilip Kumar Ghosh
Vs.
The State of west Bengal & Ors.

Ms. Debjani Sengupta,
Mr. Ziaul Haque, Advocates
... .. for the Petitioner

Mr. Sekhar Mustafi,
Mr. Anis Dutta Sarma, Advocates
... .. for the State

The report filed by the Officer-in-Charge, Thakurpukur Police Station be kept with the records.

Petitioner complains of illegal and unauthorised construction at the behest of the private respondent over plot nos. 389 (Hal), 318/705 (Sabek), J.L. No. 20, Khatian No. 365/1 and 813/1, Mouza: Hanspukur. An objection was filed before the Kolkata Municipal Corporation (KMC), Borough-XIV. The same is allegedly kept pending.

None representing KMC or the private respondent.

Affidavit of service filed in Court be taken on record.

On perusal of the objection filed by the petitioner, it appears that the same was addressed to the Chairman of the Thakurpukur Municipality. The objection was, however, received by the Chairman of Borough-XIV, KMC.

In view of the order that I propose to pass, none of the non-appearing respondents would be

representing if the writ petition is disposed of in the following manner.

Leave is granted to the petitioner to file appropriate representation addressed to the Executive Engineer/Building/Civil, Borough-XIV highlighting the illegalities in construction. In the event such a representation is made, the same shall be considered by the aforesaid respondent, in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties. The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

Spot inspection upon prior notice to the necessary parties shall be conducted to ascertain the nature and extent of unauthorised construction.

If ultimately it transpires that any unauthorised construction has been made, the same shall be appropriately dealt with by the respondent.

WPA 16449 of 2023 is disposed of without any order as to costs.

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

(Amrita Sinha, J.)