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12.12.2023
Court No. 24
AGM

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

W.P.A 16460 of 2023

**Md. Aslam
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Animesh Pal
...For the Petitioner.**

**Mr. Alak Kumar Ghosh
Ms. Manisha Nath
... For the KMC.**

**Mr. Wasim Ahmed
Ms. Reetika Achary
... For the private respondent.**

The petitioner alleges illegal and unauthorised construction at premises no. B/82/1/H/2, Tiljala Road, under Borough VII of the Kolkata Municipal Corporation.

Objection filed against such unauthorised construction is pending consideration.

Learned advocate representing the private respondent denies the allegation of the petitioner. It has been submitted that the structure in question is in place for a considerably long period of time.

Affidavit-of-service filed in Court today be kept with the records.

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, the Executive Engineer (Civil)/ Building, Borough-VII 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 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 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.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid

respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representations dated 7th July, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Leave granted to the learned advocate appearing for the private respondent to file the vakalatnama in the department by course of tomorrow.

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.)