

24-01-2023
Item No. 153 ML
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.17570 of 2021
Firoz Quraishi

-vs-

The Kolkata Municipal Corporation & Ors.

None ...for the petitioner

Mr. Tapas Adhikary
Mr. Somnath Mukhopadhyay ...for the State

Mr. J. Dhar ...for the Corporation

None appears on behalf of the petitioner at the time of call. None represents the private respondents either.

From the averments made in the writ petition and the documents annexed thereto, it appears that the petitioner complains of illegal and unauthorised construction at the instance of the eighth and ninth respondents. The petitioner alleges that the objection filed against such unauthorised construction is yet to be considered.

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 and in view of the order that I intend to pass, none of the non-appearing respondents would be prejudiced if the writ petition is disposed of in the following manner.

The writ petition is accordingly disposed of by directing the respondent no.4 being the Executive Engineer, (Building), Kolkata Municipal Corporation 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.

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 representation dated October 8, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

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

[Amrita Sinha, J]

