

ML 186
25.01.2023
d.p.

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

W.P.A 19198 of 2021

**United Cosmetics Manufacturing (India) Ltd.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Aniruddha Chatterjee,
Mr. Debabrata Roy.
...For the Petitioner.**

**Mr. Ranajit Chatterjee.
...For KMC.**

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

The petitioner contends that the property at 2, Ramanath Majumder Street under Ward No. 40, Borough-V of the Kolkata Municipal Corporation is a Grade-III heritage property.

A plan proposal was submitted before the said borough on 22nd November, 2018 seeking sanction of the same. The same is yet to be disposed of.

The petitioner filed representation before the Director General, Environment & Heritage Department in September 2021. The same has also not been considered.

Though there is no proof of service of the plan proposal in the office of the Kolkata Municipal

Corporation, but there is a specific submission made in the legal representation made on behalf of the petitioner on 30th August, 2019 that the plan proposal was submitted on 22nd November, 2018 and thereafter a meeting was conducted in connection with the said plan proposal in September 2021.

The petitioner is yet to be intimated the fate of the plan proposal submitted seeking sanction.

As it appears that the prayer of the petitioner for grant of sanction is pending consideration for a considerable period of time, accordingly, the instant writ petition is disposed of by directing the Municipal Commissioner, Kolkata Municipal Corporation being the respondent No.2 or his delegate to consider the plan proposal submitted by the petitioner for sanction in respect of the aforesaid premises strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties.

A reasoned order shall be passed at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order and the said order shall be communicated to the petitioner immediately thereafter.

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.

Learned advocate appearing for the petitioner is directed to forward a copy of the documents to the aforesaid respondent submitted before the Kolkata

Municipal Corporation for sanction of the plan proposal at the time of communicating the order of the Court.

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.)