

Ct. 24
Item No.11
12.09.2023
(Suvendu)

WPA 18943 OF 2023

**The Ayakar Grihanirman
Samabaya Samity Ltd.
Vs.
The Kolkata Municipal
Corporation & Ors.**

Mr. R.L.Mitra, Sr. Adv.
Mr. Souvik Maji
.....for the petitioner

Mr. Achintya Kr. Banerjee
Mr. Zahiur Rahman
... for the KMC

Mr. Srijan Nayak
Ms. Rituparna Maitra
Mr. Ankit Sureka
... for the respondent no. 8

Mr. Debashis Banerjee
Mr. Rakesh Jana
...for the respondent nos.6 and 7

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

The matter relates to a construction carried on
in respect of Plot No. 5 of Block –O of the housing
project of the Ayakar Grihanirman Samabaya Samity
Limited, Panchasayar, Kolkata –700 094, being
premises no. 421, Panchasayar Cooperative within
Ward No. 109 of the Kolkata Municipal Corporation.

The petitioner claims that the plan which has been sanctioned in favour of the private respondent no. 6 was obtained upon practicing fraud and misrepresentation.

It appears that a representation filed by the concerned cooperative society seeking revocation/cancellation of the building permit is pending consideration at the end of the respondent authorities.

Without entering into the merit of the claim of the respective parties, as it appears that an issue has been raised with regard to practicing fraud and misrepresentation at the time of obtaining the sanctioned plan, accordingly, the instant writ petition is disposed of by directing the Municipal Commissioner or his delegate to consider the representation filed by the petitioner on 5th June, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties including the petitioner at the earliest but positively within a period of twelve weeks from the date of communication of this order. A reasoned order shall be passed and communicated to all the parties.

The parties will be at liberty to rely upon all the necessary documents in support of their respective stand.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 5th June, 2023 to the aforesaid respondent at the time of communicating the order passed by this Court.

It is made clear that the respondent authority will not decide any other issue apart from the issue regarding obtaining the sanctioned plan without placing necessary documents before the respondent authority.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)