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26.09.2023
Court No. 24
A.G.M.

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

W.P.A 19508 of 2023

**Asraf Hossain
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Anand Farmania
...For the Petitioner.**

**Mr. Atish Kumar Biswas
Mr. Abhishek Sikdar
Ms. S. Dey
Ms. Joyti Agarwal
...For the K.M.C.**

**Ms. Mousumi Chowdhury
Mr. Prashant Kumar Tripathi
... For the State.**

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

The petitioner alleges inaction on the part of the Corporation in taking steps to consider the representation filed objecting to the illegal construction at 147/H/2/1, Keshab Chandra Sen Street, Kolkata-700009, Ward No. 38, Borough IV and V.

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 Executive Engineer (Civil)/ Building, Borough V 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 representation dated 15th March, 2023 to the aforesaid

respondent at the time of communicating the order of the Court.

Report filed by the Corporation be retained with the records.

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.)