

Item No.22

15.12.2023
Ct-24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20993 of 2023

Md. Kaleem

v.

The Kolkata Municipal Corporation & Ors.

Mrs. Shaila Afrin

Ms. Rafat Jahan

... for the petitioner.

Mr. Debnarayan Banerjee

Md. Ahsanuzzaman

... For the State.

Mr. Srijan Nayak

Mrs. Rituparna Maitra

... for the K.M.C.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondent at 80, Topsia Road, P.S. Tiljala, Borough-VII under the jurisdiction of KMC.

The petitioner complains that the objection filed against such unauthorised construction has not been considered till date.

None represents the private respondent.

Learned advocate representing the Corporation submits that the department sought to inspect the premises to ascertain the nature of unauthorised construction but failed to identify the premises in question.

Specific case of the petitioner is that the construction is being done without obtaining any sanctioned plan from the Corporation.

Learned advocate representing the State respondents has filed a report before this Court.

It appears that the police of the Tiljala Police station has requested the Executive Engineer (Building), Borough-VII to conduct a spot inspection to ascertain the nature of unauthorised construction.

In view of the order that I propose to pass, none of the non-appearing respondents will be prejudiced if the writ petition is disposed of in the following manner:

The respondent no. 4 is directed to consider and decide the objection filed by the petitioner on 23rd August, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties by passing a reasoned order at the earliest but positively within a period of eight weeks from the date of communication of this order.

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 petitioner is directed to forward a copy of the representation dated 23rd August, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit-of-service filed in Court today be kept 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.)