

Item No. 15

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

3.01.2023
Ct-24

WPA 26023 of 2022
Sk. Wazahat Nawaz

v.

The Kolkata Municipal Corporation & Ors.

Mr. Himadri Sikhar Chakraborty
Ms. Debdooti Dutta
... for the State.

None appears on behalf of the petitioner at the time of call.

The petitioner in the present writ petition alleges illegal and unauthorized construction at the instance of the private respondents at Premises No. B/90/H/3/2, Dr. Sudhir Basu Road, Kolkata-700023, Borough-IX under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner complains that the objection filed against such unauthorized construction has not been taken up for consideration till date.

The present writ petition is disposed of by directing the respondent no. 3, the Executive Engineer (Building), Borough-IX, Kolkata Municipal Corporation to consider and dispose of the objection filed by the petitioner on May 20, 2022 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A spot inspection shall be conducted upon prior notice to the parties to ascertain the allegation of the petitioner.

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 May 20, 2022 to the aforesaid respondent 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.

Sh

(Amrita Sinha, J.)