

28
29.03.2023
d.p.

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

W.P.A 26104 of 2022

**Lalita Devi Shaw
-versus-
The Kolkata Municipal Corporation & Ors.**

**Ms. Soma Kar Ghosh,
Mr. Arabinda Pathak.
...For the Petitioner.**

**Mr. Dwijodas Chakraborty.
...For KMC.**

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

The petitioner seeks consideration of her representation filed before the respondent authorities in October 2022 seeking implementation of the order passed by the OSD (Building)/South in March 2017.

The direction passed by the Officer on Special Duty is yet to be implemented.

Adjournment is sought for on behalf of the learned advocate representing the private respondent.

As the petitioner is a senior citizen and the matter is pending for a considerable period of time, accordingly, the matter is disposed of in the absence of the private respondent. The order passed herein will not

prejudice the private respondent in any manner whatsoever.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 5 being the Executive Engineer (Civil)/Building, Borough-VIII to dispose of the representation filed by the petitioner in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties.

A decision shall be taken in the matter at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The Executive Engineer shall ensure that till a decision is arrived at, the structure in question be not demolished by any party.

The instruction forwarded by the Assistant Engineer (Civil) and the Executive Engineer (Civil)/Building, Borough-VIII signed on 7th December, 2022 be taken on record.

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.)