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ORDER SHEET
WPO No.108 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ABU HANIFA MOHAMMED AMANUR RAHMAN
VS.
STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:1st February, 2023.

Appearance:
Mr. Somnath Gangopadhyay, Adv.
Mr. Rahul Singh, Adv.
....for the Petitioner.

Mr. Arijit Dey, Adv.
... for K.M.C.

Mr. Milan Kr. Maity, Adv.
...for the State.

The Court:-The petitioner complains that the private respondent is making construction in deviation of the plan sanctioned in premises no.66, Elliot Road, Police Station-Park Street, Kolkata-700 016. The petitioner raised objection before the authorities of the Kolkata Municipal Corporation in October, 2022 followed by reminder in November, 2022 and alleges that the same has not been taken up for consideration till date.

Private respondent is not represented.

Learned advocate representing the Kolkata Municipal Corporation is yet to receive any instruction in the matter.

In view of the order that I propose to pass, none of the non appearing parties would be prejudiced if the writ petition is disposed of as follows:-

The writ petition is disposed of by directing the respondent no. 5 being the Executive Engineer, Borough-VI, Kolkata Municipal Corporation to consider and dispose of the representation dated 29th November, 2022 made by the petitioner strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of this order after giving a reasonable opportunity of hearing to all the necessary parties including the petitioner.

The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

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 petitioners are directed to forward a copy of the representation dated 29th November, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)