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ORDER SHEET

WPO No.1035 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. WASIM AHMED
-Versus-
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:11th May, 2023.

Appearance:
Mr. Ajitesh Pandey, Adv.
...for Petitioner.

Mr. Srijan Nayak, Adv.
Ms. Sabnam De, Adv.
...for KMC.

The Court:-The petitioner complains of illegal and unauthorized construction at B/47/1/H/9, Sir Syed Ahmed Road, P.S.-Beniapukur, Ward No.54, Borough-I, Kolkata-700014 under the jurisdiction of the Kolkata Municipal Corporation.

The complaint filed before the Kolkata Municipal Corporation alleging unauthorized construction has not been disposed of till date.

Affidavit of service filed in Court does not show proof of service upon the private respondents.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, necessary step has already been taken to deal with such unauthorized construction.

In view of the order that I propose to pass, non-appearing parties would not be prejudiced if the writ petition is disposed of in the following manner.

As it appears that the objection filed by the petitioner is yet to be finally disposed of by the Kolkata Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the respondent No.4, the Executive Engineer (Civil)/ Building, Borough-VI to take necessary step to deal with the unauthorized construction at the subject premises in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties.

Effort shall be taken to conclude the proceeding at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 03.04.2023 received in the office of the Kolkata Municipal Corporation on 05.04.2023 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 or their advocates on record expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)