

OD-3

ORDER SHEET
WPO No.1527 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PRANAB KUMAR BASU & ANR.
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA
Date:13th September, 2023.

Appearance:
Mr. Alak Kr. Ghosh, Adv.
Mr. Arijit Dey, Adv.
...for Petitioners.

Mr. Gurudas Mitra, Adv.
Mr. Dwijadas Chakraborty, Adv.
...for KMC.

Mr. Arindam Banerjee, Adv.
Ms. Sinthia Bala, Adv.
...for Respondent no.5.

The Court:-The petitioners seek consideration of the representation filed before the Municipal Commissioner seeking cancellation of the building plan which was allegedly obtained upon practising fraud and misrepresentation.

It has been submitted that the plan was sanctioned upon gross abuse of provisions of law.

It appears that the said representation was filed way back in March, 2023. Reminder was filed by the petitioners in May, 2023. None has been considered till date.

Without entering into the merit of the claim of the petitioners, the instant writ petition is disposed of by directing the Municipal Commissioner to consider the representation filed by the petitioners on 16th March, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Parties are permitted to rely upon documents in support of their claim. A reasoned order shall be passed and communicated to the parties immediately thereafter.

It is made clear that this Court has not entered into the merit of the allegation of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 16th March, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)