

ORDER SHEET
WPO No.1536 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

DR. ASOKE KUMAR DATTA
-Versus-
THE STATE OF WEST BENTAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:4th September, 2023.

Appearance:
Mr. Ashim Klumar Roy, Adv.
Mr. Ashok Kumar Roy, Adv.
Mr. Sutanu Chakrabarti, Adv.
Mr. Anirban Roy, Adv.
...for the Petitioner.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
...for KMC.

Mr. Anand Farmania, Adv.
Mr. Manoj Kr. Mondal, Adv.
...for State-Respondent.

Mr. Supriyo Kumar Ray, Adv.
Mr. Tamal Banerjee, Adv.
...for Respondent No.10.

Mr. Supratick Syamal, Adv.
Mr. Biswajit Roy, Adv.
Ms. K. Bhattacharya, Adv.
...for Respondent No.11.

The Court:-The petitioner prays for a direction upon the Kolkata Municipal Corporation for consideration of the representation filed seeking cancellation of the sanctioned plan issued in favour of the respondent nos.8 to 11.

Specific submission is that the plan has been sanctioned in violation of the terms and condition mentioned in the deed of Trust.

Representation filed is pending consideration till date.

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

Learned advocate representing the State respondents submits, upon instruction that, the police have lodged a complaint under Section 401A of the Kolkata Municipal Corporation Act, 1980 as construction is being made in violation of the plan sanctioned by the Corporation.

Without entering into the merit of the claim of the petitioner as it appears that the representation seeking cancellation of the building sanctioned plan is pending consideration at the end of the Kolkata Municipal Corporation, accordingly, no useful purpose will be served by keeping the writ petition pending.

Writ petition is disposed of by directing the Municipal Commissioner or his delegate to consider the said representation in accordance with law after giving a reasonable opportunity of hearing to all the parties at the earliest, but positively within a period of ten weeks from the date of communication of this order.

The parties will be permitted to rely upon documents in support of their respective claims. A reasoned order shall be passed and communicated to all the parties immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 3rd August, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Writ petition being WPO No.1536 of 2023 stands disposed of.

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

Instruction forwarded by the Officer-in-Charge, Amherst Street Police Station signed on 04.09.2023 be retained with the records.

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

(AMRITA SINHA, J.)