

OD-3

ORDER SHEET
WPO No.1794 of 2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MAYANK PATODIA
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 20th December, 2023.

Appearance:
Mr. Tarique Quasimuddin, Adv.
Ms. Sanchita Chaudhuri, Adv.
Mr. Rahul Kr. Mahato, Adv.
...for Petitioner.

Mr. Swapan Debnath, Adv.
Mr. Gopal Chandra Das, Adv.
...for K.M.C.

Mr. Arindam Paul, Adv.
Mr. M. P. Gupta, Adv.
Mr. Shyamal Mondal, Adv.
Mr. A. Routh, Adv.
...for Respondent nos.6 to 9.

Ms. Parna Roy Choudhury, Adv.
...for the State.

The Court:- The petitioner complains that the private respondents are guilty of raising unauthorized construction without a sanctioned plan at 3, Moira Street, Police Station – Shakespeare Sarani, Ward no.63, Borough – VII of the Kolkata Municipal Corporation. Objection filed against such unauthorized construction is yet to be considered.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that no new construction has been made.

As it appears that the objection filed by the petitioner is pending consideration accordingly, the instant writ petition is disposed of by directing the Executive Engineer, Borough-VII, Kolkata Municipal Corporation, the respondent no.4 herein, to consider and dispose of the objection filed by the petitioner on 11.11.2023 strictly in accordance with law, after giving reasonable opportunity of

hearing to the petitioner and all other necessary parties by passing a reasoned order within a period of twelve weeks from the date of communication of this order and communicate the reasoned order to the petitioner immediately thereafter.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

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 objection 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 objection of the petitioner.

The petitioner is directed to forward a copy of the objection to the aforesaid respondent at the time of communicating the order of the Court.

Writ petition stands disposed of.

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

(AMRITA SINHA, J.)