

WPO/1801/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

NUR ALAM
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 15th December, 2023.

Appearance:
Mr. Masood Karim, Adv.
Ms. Ankita Dey, Adv.
...for the petitioner

Mr. Barin Banerjee, Adv.
Mr. Swapan Kr. Debnath, Adv.
...for the K.M.C.

Ms. Tuli Sinha, Adv.
...for the State

The Court: Affidavit of service filed in Court today be taken on record.

The petitioner complains of illegal and unauthorized construction at premises nos. 2/1/H/1 and 7/1/H/9, Narkeldanga Main Road, Ward No.29, Borough-III of the Kolkata Municipal Corporation. Objection filed against such unauthorized constructions is pending consideration till date.

None represents the private respondent.

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

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 4, the Executive Engineer, Building Department, Borough-III, KMC to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including 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 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 petitioner is directed to forward a copy of the representation dated 28th November, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Report filed by the Officer-in-Charge, Narkeldanga Police Station signed on 15th December, 2023 be retained with the records.

(AMRITA SINHA, J.)