

OD-6

ORDER SHEET
WPO No.1827 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

NUR ALAM
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:14th December, 2023.

Appearance:
Mr. Masood Karim, Adv.
Ms. Anushika Bharati, Adv.
... for the Petitioner.

Mr. Barin Banerjee, Adv.
Mr. Swapan Kr. Debnath Adv.
... for KMC.

Mr. Vivek Basu, Adv.
...for the State.

The Court:-None represents the private respondent.

Petitioner complains of illegal and unauthorized construction at 5, Kasai Bustee Cross Lane, Ward No.29, Borough - III of the Kolkata Municipal Corporation. Complaint lodged against such unauthorized construction is pending consideration till date.

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

In view of the order that I propose to pass, none of the non appearing respondents would be prejudiced if the writ petition is disposed of in the following manner.

The instant writ petition is disposed of by directing the Executive Engineer (Civil), Building Department, Borough-III, Kolkata Municipal Corporation, the respondent no.4 herein, to consider and dispose of the representation filed by the petitioner on 02.11.2023 strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioner and all other necessary parties and pass 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 complain 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 complaint of the petitioner.

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

Writ petition stands disposed of.

Report filed by the Officer-in-Charge of the Narkeldanga Police Station be retained with the 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.)