

WPO No.1841 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAMIR KUMAR CHANDRA
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 21st December, 2023.

Appearance:
Mr. Ayan Kumar Boral, Adv.
....for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Mr. Rudranil De, Adv.
... for K.M.C.

Mr. Soumya Mukherjee, Adv.
...for WBPCB.

Mr. Anand Farmania, Adv.
Mr. Monoj Kumar Mondal, Adv.
...for State.

The Court:- The petitioner is aggrieved by the inaction on the part of the Corporation in not taking steps in respect of the adjacent premises which though being a residential one is used for commercial purpose.

The petitioner relies upon various documents to show that the residential property is being used for non residential use. The change of user is the primary allegation of the petitioner.

Though the petitioner submits that representation was filed before the Corporation highlighting the issue but it appears that the said representation has not been annexed to the writ petition. There is nothing on record to suggest that the petitioner approached the Corporation for relief.

The petitioner relies upon several communications made under the Right to Information Act, 2005.

Deputy License Officer [H.B.U.] has filed a report signed on 16.12.2023 wherefrom it appears that the Chief Municipal License Officer has caused some enquiries in the matter but the authority is yet to take a decision

as to whether the change of use will attract the provision of Section 435A of the Kolkata Municipal Corporation Act, 1980.

As it appears that the petitioner is yet to apply before the Corporation for relief, accordingly, leave is granted to the petitioner to file a comprehensive representation highlighting all illegalities. If such representation is filed, the same shall be taken up for consideration by the License Officer, strictly in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties at the earliest. A reasoned order shall be passed and communicated to the parties immediately thereafter.

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.)

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