

Sl. No.126
20.09.2024
Suman
Ct. 15

WPA 529 of 2024
With
CAN 1 of 2024

Rajnish Sharma
Vs.
The Kolkata Municipal Corporation and Ors.

Mr. M. P. Gupta
Mr. Ayan Mitra
Ms. Antara Panja
Mr. Sartak Singh
Mr. Aditya Sinha
...for the petitioner

Mr. Tapan Coomaar Dey
..for KMC

Mr. Arindam Banerjee
Ms. Krity Keshri
..for respondent no.17

Mr. Biswajit Mukherjee
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick
..for the respondent

Mr. Biswajib Ghosh
Mr. Basudeb Patra
..for respondent no.13.

Re: CAN 1 of 2024

This is an application for restoration.

Having regard to the averments made in this restoration application, I am of the view that the petitioner has sufficiently explained the reason for his non-appearance before this Court on April 29, 2024.

Accordingly, **CAN 1 of 2024** stands allowed and **WPA 529 of 2024** is restored to its file and number.

Re: **WPA 529 of 2024**

This Court, at first glance, is not convinced of the writ petitioner's standing to file this writ petition.

The writ petition fails to provide any pleading demonstrating that the petitioner has been adversely affected by the alleged unauthorised construction.

There are, however, judgments passed by the Co-ordinate Benches of this Court that have laid down the law that unauthorised construction may be challenged by any citizen.

This matter warrants further consideration.

List this case for hearing two weeks following the upcoming puja vacation under the heading "To Be Mentioned" when the parties will address this Court regarding the petitioner's locus standi.

(Kausik Chanda, J.)