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Ct .2024
No24
AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 2718 of 2024

**Taj Bibi
Vs
The State of West Bengal & Ors.**

**Md. Younush Mondal.
... For the petitioner.**

**Mr. Rabiul Islam.
Mr. Jayed Hossain.
Mr. Raju Mondal.
... for the Respondent nos. 9 to 14.**

**Mr. Gopal Chandra Das.
... for the Kolkata Municipal Corporation.**

Affidavit-of-service filed today is kept with the records.

Leave granted to the advocate-on-record of the petitioner to implead the Executive Engineer (Building), Borough-XV, KMC as party respondent in the instant writ petition.

The formality of serving a copy of the writ petition upon the added respondents stands dispensed with as the Corporation is duly represented by the learned advocate.

The petitioner alleges illegal and unauthorized construction at premises no. V-134/1, S.A. Farooque Road.

Learned advocate representing the private respondent nos. 9 to 14 submits, upon instruction that, no construction has been made by his clients over the

subject premises being V-134/1, S.A. Farooque Road. According to the private respondents, construction has been made by them over premises no. 134/1/A, S.A. Farooque Road.

The private respondents do not have any objection if any action is taken in respect of the unauthorised construction, if any, detected at the premises No. V-134/1, S.A. Farooque Road.

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. 15 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, at the earliest, but positively within a period of three months from the date 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.

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.

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

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 aforesaid respondent will not decide the right, title and interest of the parties and will restrict the decision only with regard to unauthorized construction being made without a sanctioned plan.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 19th July, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)