

23 22.02.2024
RP Ct. No. 01
AN

WPA(P) 68 of 2024

Biswajit Mondal
Vs.
State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharjee, Id. Sr. Adv.
Mr. Sandip Ghose
Mr. Sabyasachi Chatterjee
Mr. Subrata Das
Mr. Debayan Ghosh
... for the petitioner

Mr. Anirban Ray, Id. G.P.
Mr. Arindam Mondal
... for the State respondents

Mr. S. N. Mookherjee, Id. Sr. Adv.
Mr. Abhratosh Majumder, Id. Sr. Adv.
Mr. Piyush Agrawal
Ms. Shrivalli Kajaria
Mr. Dhruv Chaddha
Mr. Debojyoti Das
... for the respondent nos. 13-23

Mr. Sudarshan Roy
Mr. Dipankar Majumder
... for respondent nos. 26-29

Mr. Srijan Nayak
Ms. Piyali Sengupta
... for the KMC

Mr. Satyajit Talukdar
Ms. Rutika Verma
... for the KMDA

1. By way of this writ petition styled as a Public Interest Litigation, the writ petitioner alleges that the private respondents have put up illegal construction in a vested land. In this regard, a representation was given on 13.02.2023 and since it has not been considered, the writ petitioner has filed this writ petition as a Public Interest Litigation.

2. Learned senior counsel appearing for the

private respondents submitted that that the Project conceived and developed is approved by RERA and such approval was obtained in the year 2021.

3. Learned counsel for the KMC submits that the land in question has been converted into bastu land. The present writ petition could have been avoided had the Commissioner of the Kolkata Municipal Corporation sent a reply to the petitioner's representation sent through a lawyer on 13.02.2023 and all the authorities including the Office of the Hon'ble Mayor of Kolkata have been served with the copy of such representation. However, it is not clear as to why the authorities of the Kolkata Municipal Corporation sat tight over the matter and even did not care to send a reply to the representation of the petitioner dated 13.02.2023. If that would have been done, in all probabilities, this writ petition could have been easily avoided.

4. Therefore, at this juncture, without going into the merits of the allegations made, we direct the Commissioner of the Kolkata Municipal Corporation to consider petitioner's representation dated 13.02.2023 and give an appropriate reply to the writ petitioner within 10 days from the date of receipt of the server copy of this order. On receipt of the reply, it will be well open to the petitioner to work out his remedies on merits and in accordance with law.

5. Hence, with the above observations, the writ petition is **disposed of** however without any order as to

costs.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)