

03-01-2024
Item No.9
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.11957 of 2023
Ashim Dey
-vs-
The State of West Bengal & Ors.

Mr. Syed Julfikar Ali ...for the petitioner

Affidavit of service filed in court is taken on record. None appears to oppose the writ petition.

The petitioner complains of illegal and unauthorised construction at No.61A/33, Suresh Chandra Banerjee Road (Beleghata Main Road), Ward No.33 under the jurisdiction of Kolkata Municipal Corporation. A representation dated April 26, 2023 (Annexure P4, p.44) dealing with the complaint lodged against such unauthorised construction is pending consideration before the Kolkata Municipal Corporation.

On a perusal of the complaint before the Corporation, it appears that the same was addressed to the Mayor and the Commissioner of the Kolkata Municipal Corporation and that it was not addressed or forwarded to the Executive Engineer of the concerned Borough.

It appears from the cause title of the writ petition also that the appropriate officers/authorities of the concerned Borough have not been impleaded as parties in the writ petition.

Accordingly, the representation filed by the petitioner cannot be directed to be considered.

However, the writ petitioner is at liberty to file a comprehensive representation before the Executive Engineer (Building Department) of the concerned Borough giving details of the unauthorised construction complained of.

In the event the representation alleging unauthorised construction is filed before the Executive Engineer (Building Department) of the concerned Borough, then the same shall be taken up for consideration by him, in accordance with law at the earliest but positively within a period of 12 weeks from the date of filing the representation.

It is made clear that if any unauthorised construction is detected in the said premises, then necessary steps shall be taken to deal with the same. A reasoned order with regard to it shall be passed and communicated to the petitioner forthwith.

WPA No.11957 of 2023 stands disposed of.

Parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

