

S/L 7
25.09.2024
Court. No. 551
Sourav

WPA 16661 of 2024
Prem Chand Jaiswal
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Gopal Ch. Ghosh
Mr. Rajkrishna Mondal

...for the petitioner.

Mr. Alok Kumar Ghosh
Ms. Manisha Nath

...for K.M.C.

Mrs. Mitali Mukhopadhyay
Mrs. Ujani Pal (Samanta)

...for the State.

1. The affidavit-of-service as filed in Court today is taken on record.
2. Liberty is given to the learned advocate for the writ petitioner to add Executive Engineer (SWM), Borough IX, Kolkata Municipal Corporation as party respondent no. 8 in Court today.
3. By filing the instant writ petition, the writ petitioner complains that because of the illegal and unauthorized construction over the footpath by the private respondent nos. 6 and 7, the writ petitioner is facing difficulty in easy egress and ingress of the vehicles to the petitioners' weighbridge. It is contended that though several representations were given to the respondent/authorities but no positive action has been taken.
4. On being asked by this Court, Mr. Ghosh, learned advocate appearing on behalf of the KMC submits that the Executive Engineer (SWM), Borough – IX, Kolkata Municipal Corporation is the appropriate authority to take a decision in this regard.

5. Considering the entire materials as placed before this Court, this Court while disposing the instant writ petition, directs the Executive Engineer (SWM), Borough – IX, Kolkata Municipal Corporation to treat the instant writ petition as a representation of the writ petitioner and, thereafter, he shall cause notice upon the writ petitioner as well as to the respondent nos. 6 and 7 and after hearing them, shall pass a reasoned order on such representation of the writ petitioner.
6. It is further directed that issuance of notice upon the writ petitioner and the private respondent nos. 6 and 7, hearing on such representation, passing of the reasoned order and the communication thereof is to be completed within three months from the date of communication of a server copy of this order along with a copy of the instant writ petition with all annexures and it is further directed that the communication of the reasoned order shall have to be made to the writ petitioner as well as to the private respondents by Speed Post.
7. With the aforementioned observations, the instant writ petitioner being WPA 16661 of 2024 is disposed of.
8. Executive Engineer (SWM), Borough – IX, Kolkata Municipal Corporation is hereby directed to act on the server copy of this order.
9. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)