

S/L 16
07.10.2024
Court. No. 551
Sourav

WPA 17277 of 2024

Mithun Routh
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Dinendranath Chatterjee
Mr. Partha Sengupta
Mr. Biswaroop Sengupta

...for the petitioner.

Mr. N. C. Bihani
Mr. Sourav Chaudhuri

...for K.M.C.

1. The affidavit-of-service as filed in Court today is taken on record.
2. On behalf of the Kolkata Municipal Corporation, an accommodation has been sought for. Prayer for accommodation is considered and rejected.
3. By filing the instant writ petition, the writ petitioner alleges illegal construction at premises no. 44/1, Barwaritala Road, P.O & P.S. Beliaghata, Kolkata – 700010. At the time of hearing of the instant writ petition, learned advocate for the writ petitioner upon instruction submits that the premises-in-question is situated under Ward No. 34 in Borough No. III under the Kolkata Municipal Corporation.
4. Drawing attention to Page Nos. 19 to 21 of the instant writ petition, it is submitted that despite written communication with the officials of the Kolkata Municipal Corporation, no action has been taken as yet with regard to the grievance of the writ petitioner.

5. Considering the plight of the writ petitioner and also considering the submissions made at the Bar, this Court proposes to dispose of the instant writ petition in the manner indicated hereunder.
6. It is hereby directed that the respondent no. 2 i.e., the Municipal Commissioner, Kolkata Municipal Corporation is directed to consider the letter dated 18.05.2024 as issued by the learned advocate for the writ petitioner as a representation of the writ petitioner. He, thereafter, shall cause an inspection by the Executive Engineer (Building), Borough- III and in the event, the said Executive Engineer finds any illegality and/or irregularity in the alleged construction, the Municipal Commissioner shall give a notice upon the writ petitioner as well as upon the private respondents and, thereafter, shall pass a reasoned order in accordance with law and the said reasoned order is to be communicated both to the writ petitioner as well as to the private respondents by Speed Post or by Email, if the details of Email are provided to him at the time of hearing.
7. Before parting with, it is made clear that the entire exercise as indicated above is to be completed by the respondent no. 2, i.e., the Municipal Commissioner, Kolkata Municipal Corporation and/or by its delegate positively by December 31, 2024.
8. With the aforementioned observations, this writ petitioner being **WPA 17277 of 2024** is disposed of.

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.)