

S/L 40
08.10.2024
Court. No. 551
Suvayan

WPA 17778 of 2024

Sunny Rajak
Vs.
The Kolkata Municipal Corporation & Ors.

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

...for the petitioner.

Mr. Srijan nayak
Mrs. Rituparna Maitra

...for the K.M.C.

1. The affidavit-of-service as filed by the learned Advocate for the petitioner is taken on record.
2. By filing the instant writ petition the writ petitioner alleges illegal construction at premises no. 29/C, Kalimuddin Sarkar Lane, P.O. & P.S. - Beliaghata, Ward no. 34, Borough no. 3 under the Kolkata Municipal Corporation.
3. It is submitted on behalf of the writ petitioner that despite receipt of the written complaint dated 18.05.2024 as written by the learned Advocate for the writ petitioner the respondent nos. 1 to 5/Kolkata Municipal Corporation and its officials sat tight over the matter and did nothing and taking advantage of the same the private respondent no. 8 is proceeding with the illegal construction causing serious damage to the writ petitioner.
4. The Kolkata Municipal Corporation (K.M.C. in short) is represented today by its learned Advocate.

5. None appears on behalf of the private respondent no. 8 despite service.

6. In view of such, while disposing the instant writ petition this Court directs the respondent no. 2, i.e., the Municipal Commissioner, K.M.C. to consider the letter dated 18.05.2024 as written by the petitioner's learned Advocate Mr. Dwaipayan Basu Mallick to treat the same as a representation of the writ petitioner and after issuance of notice both to the writ petitioner as well as to the private respondent and if necessary after causing necessary inspection shall pass a reasoned order in accordance with law. The respondent no. 2 is further directed to communicate its reasoned order to the writ petitioner and the private respondent forthwith by speed post or by Email.

7. The entire exercise as indicated hereinabove is to be completed by the last day December, 2024. The time limit as fixed by this Court is mandatory and peremptory.

8. Before parting with this Court grants liberty to the respondent no. 2, i.e., the Municipal Commissioner, K.M.C. to invoke its power under Section 401 of the Kolkata Municipal Corporation Act, 1980.

9. The respondent authorities are directed to act on the server copy of this order.

10. Learned Advocate for the K.M.C. appearing today is requested to communicate this order to the respondent no. 2 for his due compliance.

11. With the aforementioned observations, the instant writ petition being **WPA 17778 of 2024** is hereby disposed of.

12. 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.)