

M/L 54
22.04.2024
Court No. 24
Sayandeep

WPA 16994 of 2023

Md. Rizwan
Vs.
The State of West Bengal & Ors.

Mr. Arjun Samanta

....for the petitioner

Mr. Pankaj Halder

Ms. Ananya Neogi

...for the State

Mr. A. Biswas

Mr. Paushali Banerjee

.....for the KMC

Mr. Dilip Kumar Maiti

Mr. Uttam Kumar Kamila

.....for the pvt. respondent Nos. 8 & 9

Affidavit-of-service filed in Court today is kept on record.

The petitioner raises objection with regard to the construction at premises no. 135/H/2/1, Keshab Chandra Sen Street, P.S. Amherst Street under Borough IV and V of the Kolkata Municipal Corporation. The objection against such unauthorized construction is pending consideration.

Learned advocate representing the private respondent denies the allegation of the petitioner. It has been submitted that the property is a thika property and no construction has been made thereon.

Learned advocate representing the Corporation relies upon two instructions forwarded by the engineers of the Corporation both signed on 22nd April, 2024 mentioning that unauthorized construction was detected at premises nos. 135/H/2/2 and 135/H/1,

Keshab Chandra Sen Street. The Corporation failed to detect the premises no. 135/H/2/1.

As the private respondent admits existence of the premises no. 135/H/2/1, accordingly, the engineers of the Corporation are directed to cause spot inspection of the subject premises upon prior notice to the petitioner and the private respondent. Both the parties shall identify the property so that the engineers of the Corporation can inspect the same to ascertain as to whether there is any unauthorized construction or not.

If unauthorized construction is detected, then necessary steps to deal with the same in accordance with law shall be taken by the Corporation.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 12th June, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)