

S/L 65
08.10.2024
Court. No. 551
Sourav

WPA 18077 of 2024

**Kamgar Iqbal
Vs.
The Kolkata Municipal Corporation & Ors.**

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

...for the petitioner.

Ms. Sabnam De

...for K.M.C.

1. The affidavit-of-service as filed in Court today is taken on record.
2. None appears on the respondent/authorities as well as the private respondent despite service.
3. Ms. Sabnam De, learned advocate who usually appears on behalf of the Kolkata Municipal Corporation is requested by this Court to represent the Corporation.
4. The respondent no. 1 is directed to regularize the appointment of Ms. De, learned advocate.
5. Mr. Chatterjee, learned advocate appearing on behalf of the petitioner is hereby requested to supply a copy of the writ petition to Ms. De, learned advocate appearing on behalf of the K.M.C. preferably in course of this day.
6. By filing the instant writ petition, the writ petitioner alleges illegal construction at premises no. 34/2, Barwaritala Road, P.O. & P.S. Beliaghata under Ward No. 34, Borough - III of the Kolkata Municipal Corporation.

7. It is submitted that under cover of a letter dated 18.05.2024 as written by Mr. Dwaipayan Basu Mallick, the factum of such illegal construction was brought to the notice of the respondent/authority but in vain.
8. On perusal of the petition under consideration and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition directs the respondent no. 2 to cause an inspection through a competent engineer under his control at the subject premises and in the event, it is found that any illegal construction has been made and/or deviation has been made, he shall fix a date for hearing after serving notice upon the writ petitioner as well as the private respondent and thereafter, shall pass a reasoned order on the basis of the letter dated 18.05.2024 as written by the writ petitioner's advocate.
9. Ms. De, learned advocate for the KMC is hereby requested to communicate this order to the respondent no. 2 forthwith.
10. 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 positively by the last day of December, 2024 peremptorily and mandatorily.
11. With the aforementioned observations, this writ petition being **WPA 18077 of 2024** is disposed of.

12. The respondent no. 2/ Municipal Commissioner, Kolkata Municipal Corporation is hereby directed to act on the server copy of this order.
13. 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.)