

24.06.2024
Sl. No. 13
ss

W.P.A. 18008 of 2023

**Munshi Md. Ali Akbar
Vs.
The State of West Bengal & ors.**

Mr. Moniruzzaman
... for the petitioner

Mr. Rajarshi Basi
Mr. Subhendu Sengupta
... for the State

Mr. Debanjan Mukherjee
... for the C.E.S.C. Ltd.

Mr. Dwijadas Chakraborty
Ms. Debangana Dey Nayak
... for the K.M.C.

Affidavit of service is taken on record.

The petitioner alleges that the C.E.S.C. authorities have failed to shift the meter which was allegedly granted in favour of the respondent no.7. It is the contention of the petitioner that the said meter had been installed on the petitioner's wall.

None appears on behalf of the respondent no.7.

Learned Advocate for the K.M.C. appears before this Court and submits a report. It appears from the report that the concerned building is a five storeyed building and the meter space was provided in a common wall. Above the meter space, the persons responsible for the construction had constructed an

RCC slab between premises being No.38, Weston Street and 40, Weston Street. According to the Corporation the construction was unauthorized. The person responsible for the construction could not produce any valid documents regarding such construction. Notice under Section 401 of the Kolkata Municipal Act, 1980 was served. It was found that the work was done long ago. It is contended by the Corporation that hearing was given to the persons responsible and the matter is pending.

This court directs that the petitioner shall be allowed to participate in the hearing to be held by the Corporation. The contention of the petitioner that the meter had been placed in the portion which belonged to the petitioner can be agitated before the Corporation. The Corporation will pass necessary orders upon hearing all the parties, and upon making necessary inspection in presence of the parties. The Corporation will ascertain the exact area or the portion in which the meter had been installed. Upon the K.M.C. passing necessary orders with regard to the alleged construction and positioning of the meter, the petitioner will be at liberty to approach the C.E.S.C. authorities in accordance with law. Once such approach is made, (depending on the finding of the Kolkata Municipal

Corporation) steps shall be taken by CESC. It also appears that the police authorities had made an inspection and forwarded the matter to the Kolkata Municipal Corporation. Copy of the writ petition be served upon Mr. Debanjan Mukherjee, learned Advocate for the C.E.S.C, by the end of the day.

With the above observations, this writ petition is disposed of.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)