

22
15.01.2024
s.h.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.22957 of 2023
Saddam Ghoshi
-versus
The Kolkata Municipal Corporation & Ors.

Mr. Imtiaz Ahmed
Mr. Ghazala Firdous
Mr. Aammar Zaki
Sk. Saidullah
Mr. Mithun Mondal
Md. Arsalan
... for the petitioner.

Mr. Achintya Kumar Banerjee
Ms. Piyali Sengupta
... for KMC.

Mr. Tarique Quasimuddin
Ms. Zanaib Tahur
... for the respondent no. 22.

The petitioner complains of illegal and unauthorized construction at 14/5, B.T. Road, Ward No. 6, Borough-1 of the Kolkata Municipal Corporation.

A report has been filed by the learned advocate representing the Corporation signed by three engineers of the Corporation on January 2, 2024.

The report mentions that the premises was inspected and it was found that a construction of partly two storied and partly single storied RT Shed exists at the subject premises. The building is an old one but the actual age of the construction could not be ascertained. Local enquiry prima facie reveals that the building is more than twenty years old. No new construction has been found at the time of inspection. The occupiers/owner, however, failed to produce the sanction plan in support of the existing construction.

It appears from the submission made on behalf of the petitioner and the private respondent that the petitioner is the son-in-law of the private respondent. Due to the acrimonious relationship in between the parties, the petitioner lodged a complaint alleging unauthorized construction against the private respondent.

The report of the Corporation suggests that the building is nearly two decades old. No new construction has been found at present.

It is settled law that writ petitions ought not to be entertained for settling personal scores. A construction which in existence without any objection for more than two decades cannot suddenly be held to be unauthorized on the complaint of a private party who does not have cordial relationship with the person responsible for making construction.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

It will, however, be open for the Corporation to take necessary steps in the matter in accordance with law.

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

(Amrita Sinha, J.)