

OD-3

ORDER SHEET
WPO No.1 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SANANDA DAS
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:10th January, 2024.

Appearance:
Mr. Jagannath Ganguly, Adv.
....for the Petitioner.

Mr. Swapan Kr. Debnath, Adv.
Mr. Astis Kr. Biswas, Adv.
... for K.M.C.

Ms. Tuli Sinha, Adv.
...for the State.

The Court:-The petitioner complains of illegal and unauthorized construction at the premises no.16/2/1A, Baghbazar Street, Kolkata-700003, Ward No.7, Borough -I of Kolkata Municipal Corporation.

Objection filed against such unauthorized construction is pending consideration.

None represents the private respondents, despite service.

Affidavit of service filed in Court today is taken on record.

Learned advocate representing the Corporation is yet to take instruction in the matter.

As it appears that the objection filed by the petitioner is pending consideration before the authority, accordingly, no useful purpose will be served by keeping the writ petition pending.

The instant writ petition is disposed of by directing the Executive Engineer, Borough-I, Building Department, Kolkata Municipal Corporation being the respondent no.4 herein to consider and dispose of the objection filed

by the petitioner on 06.12.2023 strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioner and all other necessary parties and pass a reasoned order within a period of twelve weeks from the date of communication of this order and communicate the reasoned order to the parties immediately thereafter.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the objection with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the objection of the petitioner.

The petitioner is directed to forward a copy of the objection dated 06.12.2023 to the aforesaid respondent at the time of communicating the order of the Court.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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