

OD-4

ORDER SHEET
WPO No.231 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SHAHBAZ AKRAM
VERSUS
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 22nd March, 2024.

Appearance:
Mr. Sudhakar Thakur, Adv.
...For Petitioner.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
...for State.

Mr. Swapan Kumar Debnath, Adv.
...for Kolkata Municipal Corporation.

The Court:- The petitioner complains of illegal and unauthorized construction at the premises no.48, Canal East Road, Kolkata 700011, Ward no.29, Borough III, Narkeldanga Police Station under the Kolkata Municipal Corporation. Objection filed against such unauthorized construction is pending consideration.

None represents the private respondents.

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

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of

the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The instant writ petition is disposed of by directing the respondent no.5, the Executive Engineer, Building Department, Civil, Borough III, Kolkata Municipal Corporation to consider and dispose of the objection filed by the petitioner on 19.02.2024 strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioners 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.

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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the objection of the petitioners.

The petitioner is directed to forward a copy of the objection dated 17.02.2024 filed on 19.02.2024 to the aforesaid respondent at the time of communicating the order of the Court.

The 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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