

OD-10

WPO No.318 of 2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SYED MD. SHAHID QUASIMUDDIN
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 18th April, 2024.

Appearance:
Mr. Raghunath Chatterjee, Adv.
Mr. Tarique Quasimuddin, Adv.
Mr. Kushal Chatterjee, Adv.
Mrs. Zainab Tahir, Adv.
..for Petitioner.

Mr. Gopal Chandra Das, Adv.
Ms. Manisha Nath, Adv.
...for KMC.

Mr. Rishad Medora, Adv.
Mr. Prodyot Kr. Nandi, Adv.
...for Private Respondents.

Ms. P. B. Bihani, Adv.
...for the State.

The Court:- The petitioner complains that the private respondents are running eatery in the ground floor of the front side of the premises no. 261, B. B. Ganguly Street, Ward No.44, Borough-V of the Kolkata Municipal Corporation. Without obtaining any sanction or permission the private respondents have dug 10 ft. inside the eatery. The same is affecting the foundation of the building.

An objection has been raised before the Kolkata Municipal Corporation which is alleged to be kept pending.

Learned advocate representing the private respondents denies the allegation of the petitioner.

Learned advocate representing the Corporation submits that, as on date, there is no report regarding digging as alleged by the petitioner.

Without entering into the allegations and denial thereof, as it appears that an objection is pending consideration at the end of the Corporation,

accordingly, the instant writ petition is disposed of by directing the respondent no.4 to take into consideration and decide the legal representation filed on behalf of the petitioner in the month of December, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and after conducting a spot inspection upon prior notice to the parties. Spot inspection report shall be circulated and thereafter hearing shall be held.

All the parties will be entitled to rely upon all documents in support of their respective stand. If any unauthorized construction is detected, the same shall be dealt with in accordance with law.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Leave is granted to the Advocate-on-record of the petitioner to amend the description of the respondent no.4 in the cause title of the writ petition.

The proper respondent will be the Executive Engineer (Civil)/Building/Borough-V of the Kolkata Municipal Corporation at 22, Surya Sen Street, Kolkata 700 012.

Report filed by Officer-in-Charge, Bowbazar Police Station is taken on record.

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.)