

ORDER SHEET
WPO/674/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MINA JAISWAL ALIAS SHAW AND ANOTHER

VS

THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: 27th November, 2024.

Appearance:

Mr. Arif Ali, Adv.

Md. Sjehabuddin, Adv.

.... for the petitioner

Mr. Sandipan Banerjee, Adv.

Mr. Dwijadas Chakraborty, Adv.

...for K.M.C.

Mr. Milan Kumar Maity, Adv.

...for the State

The Court: Let the report filed by the Corporation be kept with the records.

The petitioners allege unauthorized construction at 166/A, Ahiritola Street, Ward No. 19, Borough-II, under Kolkata Municipal Corporation. The report filed by the Corporation before this Court today suggests that following the complaint lodged by the petitioner a hearing took place before the Executive Engineer, Building Department, Borough-II. The respondent no. 7 attended the hearing representing himself and also respondent nos. 8 and 9.

No order, however, has been passed by the said engineer regarding the alleged unauthorized construction. Learned advocate appearing for the petitioner further submits that the petitioners were not notified as to the date of hearing, and as such they could not attend the hearing.

Learned advocate appearing for the Kolkata Municipal Corporation submits that notices for hearing were issued against petitioners as well, but they chose not to appear.

I am not inclined to delve into the controversy as aforementioned. I dispose of the writ petition with the direction upon the Executive Engineer, Building Department, Borough-II, respondent no. 5 to afford an opportunity of hearing to the writ petitioners on December 4, 2024 at 2 P.M. No separate notice requires to be issued to them. The said engineer shall pass necessary order after due consideration of the submission advanced on their behalf.

It is made clear that if the petitioners fail to appear on the date as specified in this order, the Executive Engineer shall be at liberty to decide the matter in their absence.

Accordingly, WPO/674 of 2024 is disposed of. The entire exercise shall be completed by the Executive Engineer, Building Department within a period of two months from date.

(KAUSIK CHANDA, J.)