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IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION [INCOME TAX]
ORIGINAL SIDE

IA NO. GA/1/2024
In WPO(P)/3/2024
GANESH TIWARI
Vs
THE STATE OF WEST BENGAL AND ORS.

BEFORE :

THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNANAM
-A N D-
HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Dated: November 27, 2024.

Appearance :
Mr. Smarajit Roychowdhury, Adv.
Mr. Soumen Bhattacharjee, Adv.
..for appellant
Mr. Pranit Bag, Adv.
Mr. A K Dey, Adv.
Mr. Bhaskarmoy Dey, Adv.
Ms. Kamalika Mukherjee, Adv.
...for respondents

GA/1/2024

The Court : This application has been filed for restoring the writ petition which was dismissed for non-prosecution on 7th October, 2024. We have perused the affidavit filed in support of the application and we find that reason for not appearing on the said date is acceptable. Accordingly, the application is allowed, the writ petition is restored to the file of this Court, and by consent of

both the parties the main Public Interest litigation petition to be heard and disposed of, by treating the same as on day's list.

This writ petition has been filed styled as 'Public Interest Litigation' by a person who claims to be a law-abiding and peace loving citizen of India. The writ petitioner alleges that private respondents namely, respondent nos. 8 and 9, have put up unauthorized construction on a building with ground plus five floors violating all the relevant statutes and in spite of such a huge structure being put up the municipal Corporation has not taken any action. It is not clear as to why the petitioner has targeted the private respondent nos. 8 to 10 alone and it is also not clear as to whether any other personnel interested is there for the petitioner to come forward with this case.

Though the private respondents have been served and affidavit of service has been filed, none appeared before this Court when the matter was heard on 7th October, 2024 nor today. In any event, a written complaint has been given to the municipal authorities dated 24.05.2024 which was sent by speed post and stated to be received by the authorities on 25th May, 2024.

Thus, without going into any of the allegations made by the petitioner against the private respondents, we dispose of this writ petition by directing the Commissioner, Kolkata Municipal Corporation, to consider the petitioner's representation dated 24th May, 2024 and direct one of its officers to conduct a surprise inspection in the building and examine any planning permission was obtained and if not obtained, appropriate actions be initiated under the Kolkata

Municipal Corporation Act. If planning permission had been obtained, the authority should also consider as to whether the building has been put up in accordance with the sanctioned plan, if not, action should be initiated.

The petitioner is directed to submit another representation enclosing copy of the earlier representation dated 24.05.2024 as well as the copy of this order and personally appear in the office of the Kolkata Municipal Corporation and handover the representation after which the authority shall comply with the above direction.

The direction be complied within a period of 12(twelve) weeks from the date on which the representation is received in the office of the Municipal Corporation.

Needless to state that after this surprise inspection if any action is being initiated, it should be only after issuing notice to the respondent nos. 8, 9 and 10 as well as the occupants of the building, if any, in accordance with law.

(T.S. SIVAGNANAM, CJ.)

(HIRANMAY BHATTACHARYYA, J.)