

OD- 9

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1056/2024

ROMA THAKUR AND ANOTHER
VS
THE KOLKATA MUNICIPAL
MUNICIPAL CORPORATION AND OTHERS

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: 4th December, 2024.

Appearance:
Mr. Sutirtha Das, Adv.
... for petitioner.
Mr. Bratin Kumar Dey, Adv.
Ms. Anjana Banerjee, Adv.
Mr. Joydeep Das, Adv.
... for respondent nos. 6 & 7
Mr. Gopal Ch. Das, Adv.
Ms. Manisha Nath, Adv.
... for KMC

The Court: The petitioner alleges that respondent Nos. 6 and 7 obtained a sanctioned plan for the construction of a building at Premises No. 2C, Goabagan Street, Kolkata-700 006 by suppressing material facts and making misrepresentations.

The petitioner further submits that a representation was made to the Municipal Commissioner, Kolkata Municipal Corporation, by a letter dated February 11, 2024, but the same has not been considered.

On the other hand, the learned Advocate appearing for respondent Nos. 6 and 7 contends that the dispute raised in the representation is already the

subject matter of Title Suit No. 965 of 2023, pending before the learned Second Bench of the City Civil Court, Kolkata. He also argues that the allegations of misrepresentation or fraudulent statements are vague, as they do not specify the nature of the suppression or fraudulent statements made by respondent Nos. 6 and 7 in obtaining the sanctioned plan.

I am of the view that, since a representation was made to the Municipal Commissioner, Kolkata Municipal Corporation, it is incumbent upon him to consider the same in accordance with Section 397 of the Kolkata Municipal Corporation Act, 1980.

In light of the above, I dispose of this writ petition with a direction to the Municipal Commissioner, Kolkata Municipal Corporation, or his authorized representative, to consider the representation (as referred to at page 74 of this writ petition) after giving the petitioner and respondent Nos. 6 and 7 an opportunity to be heard. After hearing the parties, the concerned authority shall pass a reasoned order and communicate the same to the parties.

The entire process shall be completed within three months from the date of communication of this order.

Accordingly, WPO/1056/2024 is disposed of.

(KAUSIK CHANDA, J.)