

OD-7

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1878/2023

PARTHA SARATHI RAY
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
THE HON'BLE JUSTICE AMRITA SINHA
Date : 2ND JANUARY, 2024.

Appearance :
Mr. Saurabh Guha Thakurta, Adv.
Mr. Abhratanu Sarkar, Adv.
Ms. Nilanjana Sarkar, Adv.
...for petitioner.

Mr. Arijit Dey, Adv.
Mr. Anand Fermania, Adv.
...for KMC.

The Court :-The grievance of the petitioner is that the Corporation is constructing an urinal just beside the premises of the petitioner. An objection was filed and date of hearing the objection was fixed on 18.08.2023. The petitioner asserts that hearing took place on the scheduled date but the fate of the hearing has not been communicated to the petitioner till date.

Learned advocate representing the Corporation submits, upon instruction that, the fate of the hearing will be communicated to the petitioner if the same has not been communicated till now.

Without entering into the merit of the matter, as it appears that the objection filed by the petitioner was already taken up for consideration by the authority and hearing was conducted on 18.08.2023, it is incumbent that the fate of the hearing be communicated to the party.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer [Civil], Bustee Service of the Kolkata Municipal Corporation to immediately intimate the petitioner the fate of the hearing held on 18.08.2023.

If the aforesaid authority is of the opinion that further hearing is required to be conducted, then the same shall be conducted at an early date upon notice to the petitioner. The legal representative of the petitioner may attend the hearing and make submission on behalf of the petitioner.

The authority may cause spot inspection upon prior notice to the petitioner to ascertain the inconvenience faced by the petitioner on account of the said urinal. The legal representative of the petitioner will be permitted to remain present at the time of spot inspection, if conducted.

A decision shall be taken in this matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward the copy of the representation and the notice of hearing to the aforesaid respondent at the time of communicating the order of the Court.

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.)