

25.03.2025
Sl. No. 60
Ct No. 3
SG

WPA 2604 of 2025

**Kaushik Kar and Anr.
Vs
South Dum Dum Municipality & Ors.**

Mr. Rabindra Kumar Mitra,
Mr. Sourjya Das,
Ms. Poulami Bhowmick.
...for the petitioner

Mr. Vijay Agarwal.
...for the State

Ms. Mousumi Bhowal.
...for the South Dum Dum
Municipality

Mr. Dhilon Sengupta,
Mr. Ayan Chakraborty,
Ms. Sohini Mukherjee.
...for respondent nos. 5 & 6

1. The petitioner has preferred the present writ petition being aggrieved by the unauthorized construction allegedly undertaken by respondent no. 8 over the roof of premises no. P-134/1, Kalindi Housing, Kolkata.

2. It is the case of the petitioner that they are the co-owners of the property in question along with respondent no. 8. The said property is having a ground floor, first floor and second floor. However, the respondent no. 8 is constructing an additional floor without the consent of the co-owners and also without having necessary approval/sanction plan from the respondent Dum Dum Municipality. Hence, the petitioner had approached the

respondent Dum Dum Municipality vide several representations lastly on 09.01.2025. However, the respondent municipality had failed to take any action or respond to his representation.

3. Learned Counsel for the respondent municipality submits that they have received a complaint dated 09.01.2025 and had conducted an inspection on 06.03.2025 which revealed that an additional construction above the existing two storied structure was indeed ongoing and she further submits that no sanction plan or supporting documents have been furnished by respondent no. 8 to justify such construction.

4. Learned Counsel for the respondent municipality further submits that they are ready and willing to decide petitioner's representation dated 09.01.2025 in a time bound manner preferably within a period of four weeks from the date of communication of this order after affording a personal hearing to the petitioner as well as to all the other interested parties.

5. In view of the said submission, learned Counsel for the petitioner submits that he will be satisfied if his representation is decided as per submission made by the learned Counsel for the respondent municipality.

6. In view of this, this Court deems it appropriate to direct the respondent municipality to decide petitioner's representation dated 09.01.2025 within a period of four

weeks after affording an opportunity of personal hearing to the petitioner as well as other interested parties by way of a speaking order. It is further directed that till the speaking order is passed there shall be an interim stay on any further construction activity at the disputed premises.

7. Needless to mention, if the petitioner remains aggrieved by the decision of the respondent municipal authority, he shall be at liberty to seek appropriate remedy in accordance with law.

8. With the above direction, the present writ petition is disposed of.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)