

10.09.2025.
Item No. 26.
Court No. 23
ap

W.P.A. 3067 of 2010

**Smt. Gouri Das
Versus
The Kolkata Municipal Corporation & Ors.**

1. The petitioner approached this Court by filing a writ petition praying for a direction upon the Municipal Authority to initiate proceedings against the private respondents for raising illegal construction at premises No.26G, Kalimuddin Sarkar Lane, Kolkata – 700 010.
2. None appears on behalf of either of the parties. No accommodation is sought for. Even on earlier occasions, none has represented either of the parties.
3. This case pertains to the year 2010 and almost 15 years have passed.
4. Considering the nature of the prayer and long pendency of this case, this Court would prefer to dispose of this case on merits on the basis of the materials available on record.
5. It is contended by the petitioner that the private respondents have started with illegal construction by encroaching upon the common passage as well as the property of the petitioner where a Title Suit No. 281 of 2008 is pending before the learned Civil Judge (Junior Division) 1st Court at Sealdah. It is further contended that the private respondents have made illegal

construction violating the Building Rules of the Kolkata Municipal Corporation and for that reason, the petitioner has made a representation before the respondent authorities through her learned Advocate on 11th January, 2010.

6. Despite direction by this Court, no affidavit-in-opposition or affidavit-in-reply has been filed as yet.

7. In view of the above facts and circumstances, no useful purpose would be sub-served keeping this writ petition pending further.

8. Let the respondent no.3 is directed to consider the representation of the petitioner which was submitted on 11th January, 2010 alleging that the private respondents undertook illegal construction without any sanction plan upon giving notice of hearing to the necessary parties including the petitioner and decide the same and pass a reasoned order with regard to the allegations made in the representation strictly in accordance with law within a period of four weeks from date.

9. Before disposal of the representation of the petitioner, a spot inspection is required to be done by the Municipal Authorities to ascertain the extent of illegal construction undertaken by the private respondents.

10. With the aforesaid observations, the instant writ petition shall stand disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court

(Ajay Kumar Gupta, J.)