

S/L 4
24.11.2025
Court. No. 25
suwayan

CAN 1 of 2025
In
WPA 10204 of 2024

Ritman Commercial Private Limited
Vs.
Kolkata Metropolitan Development Authority & Anr.

Mr. Priyankar Basu Mallick

...for the petitioner.

Mr. Arindam Chatterjee

...for the respondent nos. 1 and 2.

1. The petitioner has filed the present application being CAN 1 of 2025 praying for recalling of the order dated June 20, 2025 by which this Court has dismissed the writ petition for default on the ground that on call none appears on behalf of the petitioner.
2. Learned counsel for the petitioner submits that when the matter is called, the petitioner was arguing the matter before another Court by that time the counsel for the petitioner reached before this Court, this Court has already passed the order for dismissing the writ petition for default.
3. The petitioner further submits that the writ petition is dismissed on June 20, 2025 but immediately on July 2, 2025 the petitioner has filed the present application for recalling of the order.
4. Learned counsel for the petitioner further submitted that the writ petition can be disposed of by directing the Chief Engineer (Road), Kolkata Metropolitan Development Authority to consider the representation dated March 14, 2024.

5. Learned counsel for the respondents raised objection and submits that the development of the eastern metropolitan bypass started in sometimes in 1980's. In spite of having of the knowledge, the petitioner has purchased the property in 2008. Now the eastern metropolitan authorities are widening the road by raising the height of the road and as such there is no fault if the land of the petitioner is going down by raising the height of the existing road by the eastern metropolitan authority for the purpose of the benefit of general public.
6. Heard the learned counsel for the respective parties.
7. By sitting in the writ jurisdiction, it is not possible for this Court to go into the disputed question of fact. Accordingly, this Court finds that the petitioner has already made a representation to the concerned authorities on March 14, 2024, the same is pending for consideration by the concerned authorities.
8. In view of the above, the order dated June 20, 2025 is recalled. The writ petition is restored in original file.
9. Accordingly, CAN 1 of 2025 is disposed of.
10. Consequently, the writ petition is disposed of by directing the respondent no. 2 to consider the representation submitted by the petitioner on March 14, 2024 by giving personal hearing to the petitioner and to pass the reasoned and speaking order within a period of eight weeks from the date of receipt the order.
11. Though the writ petition is disposed of at the motion stage, thus the allegation made in the writ application is deemed to have been denied.

12. WPA 10204 of 2024 is disposed of.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)