

19.05.2025
Sl. No.13
Ct.3/ tkm

W.P.A. 21469 of 2024

Dipak Chakraborty
Vs.
Kolkata Municipal Corpn. & Ors.

Mr. Soumya Ray
Ms. Anwesha Saha
Mr. Pramit Panda
... .. for the petitioner

Ms. Piyali Sengupta
Ms. Manisha Nath
... .. for KMC

Mr. Sanjoy Mukherjee
... .. for respondent nos. 8 and 9

1. The affidavit of service is taken on record.
2. The petitioner, in the present writ petition, seeks cancellation of the permission granted for the installation of an advertisement hoarding at premises no. 12/1A, Jamir Lane, Gariahat, Kolkata, allegedly erected by private respondent nos. 7, 8, and 9.
3. The petitioner contends that he is a co-owner and resident of the premises in question. Private respondent nos. 8 and 9, claiming ownership of the said property, had filed a suit for declaration (Title Suit No. 43 of 1989), which was rejected pursuant to an application filed by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure. Thereafter, respondent nos. 8 and 9 allegedly attempted to illegally

install a hoarding frame on the roof of the building, which is stated to be in a dilapidated condition.

4. The petitioner submits that the impugned permission for installation of the hoarding was granted without conducting any structural stability inspection of the property.
5. He further contends that the said permission was granted without his knowledge, consent, or approval. As a co-owner and resident of the premises, the petitioner asserts that his prior consent was a necessary precondition for the grant of such permission. He alleges that the respondent authorities failed to adhere to this requirement, thereby compromising the safety and rights of the occupants.
6. Learned counsel for private respondent nos. 8 and 9 submits that they are the absolute owners of the premises. He further submits that the petitioner did not raise any objections until the year 2024. It is also contended that civil disputes between the parties are currently pending and that the instant writ petition has been filed with malafide intent to interfere with a lawfully granted advertisement licence, which was duly sanctioned by the respondent municipality.
7. Be that as it may, learned counsel for the respondent municipality submits that the authority is willing to consider and dispose of the petitioner's representation dated 23.07.2024.

8. Learned counsel for the petitioner states that the petitioner shall be satisfied if his representation is decided in a time-bound manner.
9. In view of the submissions made by the parties, this Court directs the respondent authority to consider and dispose of the petitioner's representation dated 23.07.2024 within a period of four weeks from the date of communication of this order, after affording an opportunity of hearing to the petitioner as well as to the private respondents, by passing a reasoned and speaking order.
10. The writ petition is accordingly disposed of with the above direction.
11. Since no affidavit was called for, the allegations made in the writ petition are deemed to be denied.

(Gaurang Kanth, J.)