

07.07.2025
Sl. No. 25
Ct No. 3
SG

WPA 28614 of 2024

**Debranjana Dey
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Tanmay Mukherjee,
Mr. Subham Ghosh,
Mr. A. Chakraborty,
Mr. G. Mukhopadhyay.
... for the petitioners

Mr. Alak Kr. Ghosh,
Mr. Fazlul Haque.
...for the KMC

Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...for the State

Mr. Gautam Lahiri.
... for respondent no. 10

1. The Petitioner has filed the present writ petition challenging the sanctioned building plan bearing No. 2014140604 dated 30.12.2014 in respect of Premises No. 311, Becharam Chatterjee Road, Kolkata, under Borough-XIV, Ward No. 130, Police Station: Parnashree. The said plan, according to the Petitioner, was fraudulently obtained by the private respondent no. 10. In the alternative, the Petitioner also seeks demolition of the alleged unauthorized and illegal construction raised on the said premises.

2. The dispute pertains to the aforementioned property, wherein the Petitioner alleges that the private respondent no. 10 procured the sanctioned

building plan through misrepresentation and suppression of material facts, including a false declaration that the land was free from encumbrances, despite being subject to ongoing litigation. It is further alleged that the said respondent constructed a G+3 storied building in gross violation of the sanctioned plan, including unauthorized additions such as extra rooms, modifications to the lift area, and enlargement of tenement size. Despite filing detailed representations dated 14.03.2024 and 31.10.2024, the respondent authorities have failed to take any action, thereby compelling the Petitioner to approach this Hon'ble Court.

3. Learned Counsel appearing for the respondent-Kolkata Municipal Corporation (KMC) submits that the respondent is willing to consider the Petitioner's representation dated 31.10.2024.

4. Learned Counsel for the Petitioner submits that the Petitioner shall be satisfied if a direction is issued for disposal of his representation within a time-bound manner.

5. Learned Counsel appearing for private respondent no. 10 also submits that his client has no objection to placing its stand before the respondent authorities if the representation is taken up for consideration.

6. In view of the submissions made by the learned Counsel for the parties, this Court directs respondent no. 5 to consider and dispose of the Petitioner's representation dated 31.10.2024, strictly in accordance with law, by passing a reasoned and speaking order within a period of 8 weeks from the date of communication of this order. The said decision shall be taken after affording an opportunity of personal hearing to the Petitioner, the private respondent no. 10, and any other affected stakeholder.

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

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

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.)