

OD-11

ORDER SHEET

WPO No.167 of 2025
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AJOY KUMAR MULLICK
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date: 15th May, 2025.

Appearance:

*Ms. Setu Das Roy, Adv.
Ms. Suranjana Nandi, Adv.
...for the Petitioner.*

*Mr. Sandipan Banerjee, Adv.
Mr. Swapan Kumar Debnath, Adv.
...for KMC.*

*Mr. Manoj Malhotra, Adv.
Mr. Sabyasachi Mondal, Adv.
...for the State-respondent.
Mr. Asif Hussain, Adv.
Ms. Sujata Chowdhury, Adv.
Ms. Shreyasi Nath, Adv.
Ms. Lanbani Pan, Adv.
...for Respondent no.8.*

The petitioner has preferred the present writ petition, being aggrieved by the unauthorized construction carried out by the respondent no.8 over the first floor of premises no.311, Bipin Bihari Ganguly Street, Ward no. 44, Police Station - Bowbazar, Kolkata - 700012.

It is the case of the petitioner that the first floor of the said premises is jointly owned by the petitioner and the proforma respondent, which is occupied by the private respondent no. 8 as tenant for several years who is running a

restaurant from the first floor of the said premises in the name and style of “Manorama Hotel”. It is the further contention of the petitioner that respondent no. 8 has built two unauthorised and illegal floors with wooden and iron structures over the first floor which has caused substantial heavy load on the entire building due to which the building can collapse any time causing severe and fatal damage to lives and limb around.

The petitioner further contended that despite several representations submitted before the Kolkata Municipal Corporation, no conclusive action has been initiated on the part of the respondent corporation and the matter continues to remain in abeyance.

Learned Counsel for the respondent-Kolkata Municipal Corporation submits that the petitioner’s representation dated 6th September, 2024 is pending consideration and that the corporation is ready and willing to consider the said representation of the petitioner.

Learned counsel for the petitioner submits that his client will be satisfied if the pending representation is considered and disposed of within a stipulated time frame.

In view of the same, this Court directs the respondent-Kolkata Municipal Corporation to decide the petitioner’s representation dated 6th September, 2024 within a period of four weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner as well as the private respondent by passing a speaking order.

With the above direction, the writ petition stands disposed of.

Since the affidavits are not exchanged, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

(GAURANG KANTH, J.)

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