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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/326/2025
ATHAR HUSSAIN
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: JULY 17, 2025.

Appearance :
Mr. Anubhav Sinha, Adv.
Mr. Shirsho Banerjee, Adv.
Mr. Arun Chakraborty, Adv.
Ms. Ishika Khan, Adv.
Ms. Shruti Shaw, Adv.
...for petitioner
Mr. Sandipan Banerjee, Adv.
Ms. Gulnaz Quraishi, Adv.
...for K.M.C.

The Court:- The petitioner in the present writ petition is seeking the issuance of writ of mandamus directing respondent Nos. 2 to 6 to grant hearing on the representation of the petitioner dated 4th April, 2025 and 16th April, 2025 in respect of premises No.; 2A/H/14, Chatu Babu Lane, P.S. Entally, Kolkata 700 014.

It is the case of the petitioner that he is a tenant of respondent Nos. 7 to 11 over one R.T. Shed Room measuring 100 Sq. ft. He alleges

that the respondents are carrying out illegal and unauthorised construction over the said plot.

Learned Counsel for the respondents states that there is a landlord tenant dispute between the parties and the same is pending before a Competent Civil Court.

The private respondents state that they have obtained building plan dated 22nd October, 2025 for the above mentioned premises for construction. The premises in question is situated on a thika land and in order to get the sanction it is mandatory for the structure owner for filing an affidavit stating that no case is pending on the premises in which the sanction plan has been applied for. It is further stated that a NOC is required from the tenant. The respondents state that without complying with the necessary mandatory provisions the petitioner has obtained building plan withholding information and by mis-representation. It is submitted that the representation dated 4th April, 2025 and 16th April, 2025 have not been acted upon.

Learned Counsel for the petitioner states that at this stage his prayer is limited to the hearing of the representations.

Learned Counsel for the respondents Kolkata Municipal Corporation states that the Kolkata Municipal Corporation is ready and willing to consider the petitioner's representation dated 4th April, 2025 and 16th April, 2025.

Learned Counsel for the Petitioner further states that he shall be satisfied if the same is done within a time-bound manner.

In view of the submissions made by the Counsel for the parties this Court directs respondent No. 5 to decide petitioner's representation dated 4th April, 2025 and 16th April, 2025 within a period of eight weeks from the date of communication of this order strictly in accordance with law after affording an opportunity of personal hearing to the petitioner as well as the private respondents, by way of a speaking order.

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

Since affidavits are not called upon, none of the allegations are deemed to have been admitted by the respondents.

(GAURANG KANTH, J.)

GH.