

OD-15

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1237/2024

NEETU SURANA AND ANR
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
HON'BLE JUSTICE GAURANG KANTH
Date: 24TH April, 2025.

Appearance:
Raghunath Chakraborty, Adv.
Mrs. Tanusree Das, Adv.
Ms. Mohona Das, Adv.
...for petitioners
Mr. Gopal Chandra Das, Adv.
Ms. Sabnam De Bardhan, Adv.
...for KMC.
Mr. Biswajit Mukherjee, Adv.
Ms. Sima Chakraborty, Adv.
...for respondent nos. 6, 7 & 8.
Dipanjana Datta, Ld. Sr. Govt. Adv.
Mr. Subhajit Chowdhury, Adv.
...for State.

The Court:- The petitioners are aggrieved by the inaction of the respondent municipality in failing to take action against the illegal and unauthorized construction being carried out at Premises No. 130/1, B.N. Saha Road, Kolkata.

It is a case of the petitioners that they are the owners of Premises No. 78, B. N. Saha Road, Kolkata. It is their contention that private respondent nos. 6 to 8 are raising unauthorized construction in the

abovementioned premises thereby encroaching upon the petitioners' property and causing damage to their boundary wall.

The petitioners had initiated a title suit, being T.S. No. 69/2015, against the respondents. During the course of those proceedings, it came to the petitioners' knowledge that the construction was being carried out without any sanctioned plan. The petitioners further contend that, despite informing the concerned respondent authorities about the illegal construction through a representation dated 27.02.2013, no response was received. Consequently, the petitioners submitted another representation dated 10.09.2024 to the Municipal Corporation (respondent No. 2).

Learned counsel for the private respondents at the outset submits that all allegations made by the petitioners are disputed. He further contends that the grievance raised in the present writ petition is also under adjudication before the Civil Court. However, this contention is incorrect, as issues pertaining to unauthorized construction cannot be adjudicated by the Civil Court if the respondent corporation is not a party to the said proceedings. Hence, there is no merit in this argument.

Learned counsel for the respondent corporation, Mr. Das, appears and submits that the authorities are ready and willing to consider the petitioners' representation dated 10.09.2024. In view of this submission,

learned counsel for the petitioners states that he shall be satisfied if his representation is decided within a stipulated time frame.

Accordingly, this Court directs the respondent municipality to decide the petitioners' representation dated 10.09.2024 within a period of twelve weeks from the date of communication of this order, after affording an opportunity of personal hearing to the petitioners, the private respondents, and all other interested parties.

The writ petition is disposed of in the above terms.

(GAURANG KANTH, J.)

GH.