

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Jul-03-2012

Judge : Soumitra Pal

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET W.P.No.204 of 2010 IN THE HIGH COURT AT CALCUTTA Constitutional
Writ Jurisdiction ORIGINAL SIDE SAMIR MUKHERJEE &
ORS.Plaintiff/Petitioner/Applicant Versus KOLKATA MUNICIPAL CORPORATION
& ORS.Defendant/Respondent BEFORE: The Hon'ble JUSTICE SOUMITRA PAL
Date :

3. d July, 2012.

For Petitioner :Mr.Barin Banerjee,Advocate Mr.C.K.Saha,Advocate For KMC:
Mr.Achintya Banerjee,Advocate Ms.Piyali Sengupta,Advocate The Court : In the
writ petition, the petitioner, who is a resident of premises no.293/2 Diamond
Harbour Road, Kolkata- 700034, has prayed for a direction upon the authorities of
the Kolkata Municipal Corporation, to take steps against the construction allegedly
raised by the private respondent no.4 at premises no.293/4, Diamond Harbour
Road which is adjacent to his premises since, construction has been made by

encroaching on the private common passage and the garage has been converted into a commercial space.

Submission has been made that since a representation dated 12th January, 2010 was submitted on behalf of the petitioner before the Municipal Commissioner of the Corporation, the respondent no.2, appropriate order may be passed.

Heard Mr.Barin Banerjee, learned advocate for the petitioner and Mr.Achintya Banerjee, learned advocate for the Kolkata Municipal Corporation.

Despite service of notice, none appears on behalf of the private respondent.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the writ petition is disposed of by directing the Municipal Commissioner of the Corporation, the respondent no.2 or his delegatee to dispose of the matter by passing a reasoned order to be communicated to the parties within eight weeks from the date of presenting a copy of the signed copy of this order after giving an opportunity of hearing to the petitioner and the private respondent and to the other interested parties and after verifying the records.

It is made clear that I have not gone into the merits of the matter and all points are left open to be dealt with by the respondent no.2 or his delegatee.

Till the reasoned order is passed and communicated, the respondent no.4 is restrained from making any construction and from parking his car on the common passage.

No order as to costs.

All parties concerned are to act on a signed photo copy of this order on the usual undertakings.

(SOUMITRA PAL, J.) ssaha AR(CR)

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