

Court No. 13

15.09.2020

(SL 14)
(sp/pk)

WPA 6788 of 2020
(Old No. WP 6788 (W) of 2020)

CAN 1 of 2020
(Old No. CAN 5738 of 2020)

Sanjay Kumar Gupta
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Rajdeep Bhattacharya,
Mr. S. Siddique,
Mr. Shabaz Alam

... for the petitioner

Mr. Vibek Basu,
Mr. Uttam Kumar Dey

...for the State

Mr. Subrata Bhattacharjya,
Mr. Indranuj Dutta,
Mr. Suvajit Ghosh Dastidar,
Mr. Rahul Ghosal

....for the respondent nos. 7, 8 and 9

Mr. Alok Ghosh,
Mr. Subhrangsu Panda

...for the K.M.C.

The petitioner complained that the private respondents are erecting unauthorized construction on the property belonged to the petitioner.

The learned Counsel for the private respondents submits that the premises is in the nature of a hut with a tiled roof that was blown off during the recent Amphan Cyclone.

He further submits that the writ petitioner has tried to evict the private respondents from the said premises.

In view of the above, the Executive Engineer of the concerned Borough, KMC shall inspect the said premises upon due notice and in the presence of the petitioner as well as the private respondents and take steps in accordance with the KMC Act.

It is made clear that in the event, it is found that the tenanted property was, in fact, damaged as a consequence of the Amphan Cyclone, tenant shall be entitled to under the supervision of the Executive Engineer of the concerned Borough, KMC to render the said hut and/or tenement habitable. No new rights shall flow or be created in favour of the tenant or private respondents in this regard. In the event, the petitioner is desirous of evicting the private respondents, they shall take steps in accordance with the procedure established by law.

With the above observations, WPA 6788 of 2020 (Old No. W.P. 6788 (W) of 2020) is disposed of.

Accordingly, CAN 1 of 2020 (Old No. CAN 5738 of 2020) also disposed of.

All parties are to act on a server copy of this order on the usual undertaking.

(Rajasekhar Mantha, J.)