

21.12.2020

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W. P.A. 9943 of 2020

(Via Video Conference)

Smt. Sumana Chatterjee

Vs.

The Commissioner, Kolkata Municipal
Corporation & Ors.

Mr. Ranjan Kali

Mr. Subrata Mukherjee

Mr. P.K. Hazra

Mr. Sabyasachi Hazra

... For petitioner.

Mr. Ranajit Chatterjee

... For KMC.

Mr. Nilanjan Bhattacharya

... For private respondent.

Mr. Kali, learned advocate appears on behalf of petitioner and submits, grievance of his client is that there is being installed by construction lift in the apartment building, ground floor in which his client resides. The construction should be stopped and so much of it already made, demolished. Mr. Bhattacharya, learned advocate appears on behalf of private respondents and submits, all occupants of the building, except petitioner, have agreed for construction and installation of lift. Mr. Chatterjee, learned advocate appears on behalf of Kolkata Municipal Corporation and submits, the Corporation is aware because it had issued permission. For purposes of construction, it will be in supervision, as provided in Kolkata Municipal

Corporation Act, 1980. Deviation from the sanction or permission will be dealt with, if made. He adds, the occupants of the building approached the Corporation for permission. There was no objection or resistance or challenge to the occupants in having approached for permission. Petitioner may have a civil dispute. Mr. Kali submits further, construction of the lift encroaches upon his client's easement rights.

On query from Court Mr. Bhattacharya submits, his client will persuade rest of the occupants, all of who are paying for construction and installation of the lift, to allow petitioner to use the lift without contributing for its construction or installation, for purpose of visiting roof of the building when she or her family members, residing in her apartment, need to.

Nothing has been brought on record to show that there has been statutory violation. Nevertheless, in event petitioner has information of deviation in the construction, she will report it to the Corporation, with copy to private respondents. The Corporation, if finds that complaint bears particulars, will act. Regarding easement rights, a civil remedy may be obtained.

With above directions the writ petition is disposed of.

(Arindam Sinha, J.)