

02.07.2021
SL No. 9
Court No. 24
(P.M.)

WPA 3084 of 2021

**Kailash Chand Daga & Ors.
Vs
The Kolkata Municipal Corporation & Ors..
(Via Video Conference)**

Mr. Sanjoy Bose,
Mr. Priyankar Basu Mallick
... for the petitioners

Mr. Rudranil De
Mr. Gopal Chandra Das
... for K.M.C.

Mr. Md. Galib
Ms. Sujata Ghosh,
... for Officer-in-charge of
Burrabazar Police Station.

Petitioners claim to be owners of the 3rd and 4th floors of the premises No. 5, Mullick Street, Kolkata – 700007, P.S. – Burrabazar, Ward No. 42.

Petitioners made an application before the Kolkata Municipal Corporation praying for permission for repairing, renovation of the roof and the outer wall of the aforesaid premises by a representation dated 6th January, 2021. As there was no response from the Corporation, a notice demanding justice was sent through the learned advocate for the petitioner on 14th January, 2021. Petitioners complain that none of the representations have been considered by the Kolkata Municipal Corporation till date.

It has further been submitted that in view of the ongoing monsoon season rain water is seeping from the roof and the outer walls and the petitioners are not in a position

to carry on business from the shop rooms which are located there.

The learned advocate representing the Kolkata Municipal Corporation submits, upon instruction, that demolition proceeding is pending in respect of the said premises and until and unless the demolition order is carried out no permission can be given for repairing the said premises.

None appears on behalf of the respondent No. 6 despite service.

Affidavit of service filed in Court is taken on record.

As it appears that the representation made by and on behalf of the petitioners are lying pending at the end of the Kolkata Municipal Corporation, no useful purpose will be served by keeping the instant writ petition pending.

The writ petition is accordingly disposed of by directing the Executive Engineer (Building), Borough IV & V being the respondent No. 4 herein to depute a competent person to inspect the premises in question, including the roof and to take a decision with regard to the application made by the petitioners for repairing the portion of the premises in question. The aforesaid respondent shall afford a reasonable opportunity of hearing to the petitioners and all other necessary parties. The said respondent shall pass a reasoned order, strictly in accordance with law, at the earliest, but positively within a period of five weeks from the date of communication of a copy of this order.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

WPA 3084 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)