

Item No. 11

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

12.01.2021
Ct-24

W.P.A.2392 of 2020
Rupasri Sarkar(Das)
v.
The Kolkata Municipal Corporation & Ors.

Mr. Debaki Nandan Maiti
... for the petitioner.

Mr. Achintya Banerjee
... for KMC.

The petitioner relies upon a notice dated December 13, 2016 issued under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 in respect of the Premises No. 10/43, Netaji Nagar, Kolkata- 700 043, Ward No. 98, Borough-10 whereby notice has been given to the owners/occupiers of the said premises to restore/repair the repairable portion without changing the nature and character of the building and demolish the insecure/dilapidated portion.

The petitioner submits that she has given representation to the Kolkata Municipal Corporation to demolish the dangerous building and to recover the costs of the said demolition from her.

The petitioner complains that even though the building is categorized as a dangerous building the

Corporation is not taken any step for demolishing the same.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation submits, upon instructions, that a complaint was received from the petitioner regarding the dangerous condition of the building. In response to the said complaint the aforesaid notice under Section 411(1) was issued. Reminder letters were also issued on February 14, 2017 and August 8, 2018 to the owners and occupiers of the said premises.

The officers of the Corporation inspected the property in question and it has come to their notice that the parties have not undertaken the repairs/renovation of the building. The Chajjas in front of the building is dilapidated.

The officers of the Corporation were of the opinion that though the building was dilapidated but it is in a repairable condition. One Bikash Samanta is residing in the said building with his family members.

In view of the submissions made on behalf of the Corporation that the building in question is in a repairable condition, it is up to the owners/occupiers of the said building to take steps pursuant to the notice issued under Section 411(1) of the Kolkata Municipal Corporation Act.

No further order is required to be passed in the instant writ petition.

WPA 2392 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)