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12.01.2021.
d.p.

**W.P.A 3392 of 2020
(Via Video Conference)**

**Dharam Chand Sonkar & Ors.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Haradhan Banerjee,
Mr. Partha Pratim Mukhopadhyay.
...For the Petitioner.**

**Mr. Pradyat Kr. Nandi,
Ms. Anjana Sen Gupta.
...For the Respondent
Nos. 5 to 10.**

**Mr. Alok Kr. Ghosh,
Mr. Prabir Chatterjee,
Mr. Dwijadas Chakraborty.
...For the KMC.**

Affidavit-of-service filed in Court today be taken on record.

The petitioners claim to be occupiers of the premises No.44 Strand Road, Kolkata-700007, Ward No.42, Borough-V. According to the petitioners, the premises in question is in a very dilapidated condition.

The petitioners approached the Kolkata Municipal Corporation praying for a direction permitting them to repair the said premises. The petitioners allege that the petitioners' representation has not been considered by the Kolkata Municipal Corporation till date.

The learned advocate appearing for the respondent Nos. 5 to 10 submits that they are the owner of the premises in question. The learned advocate submits

that the building is in a dilapidated condition but the same could not be repaired as it is completely occupied by the tenants. As the tenants are not agreeable to vacate the said premises, it is not possible for the landlords to repair the same.

The learned advocate appearing for the KMC submits, upon instructions, that during routine inspection, the department noticed that the existing old five storied building is in a dilapidated and ruinous condition. The department served notice under Section 411(1) of the KMC Act, 1980 on 3rd June, 2019 wherein direction has been issued to demolish the endangered/ruinous portion of the building immediately and to secure the rest portion of the existing building by thorough and adequate repairing, without changing the character and dimension of the said building to ensure the safety of the inmates and outside people under the supervision of KMC enlisted LBS/ESE.

On the approval of the higher authority, a notice declaring the building as 'dangerous building' was also affixed on the said premises in June 2019. As the owners/occupiers of the building did not take any step pursuant to the notice issued under Section 411(1) of the KMC Act, the department served notice under Section 411(2) of the KMC Act on 6th July, 2019, on the approval of the higher authority dated 29th June, 2019 to vacate the said premises to avoid accidental hazards any moment leading to loss of life and properties.

From the aforesaid instruction of the KMC, it appears that necessary steps have duly been taken by the Corporation by directing the inhabitants of the premises in question to carry out the necessary

repairing work. In spite of the notices issued by the KMC the inhabitants have not cared to act in accordance with the said notices.

In view of the above, no order is required to be passed in the instant writ petition.

The noticees are to act in accordance with the notices issued by the KMC. In default, KMC shall be entitled to take any further steps in accordance with law.

The instruction given by the KMC to their learned advocate is retained with the records.

W.P.A. 3392 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)