

Sl. 8
Ct. No. 19
16.08.2021
tbsr

(via video conference)

WPA 6971 of 2021

Cossipore Small Industrialist
Welfare Association

-vs-

The Principal Secretary, Ministry of
Municipal Affairs and others

Mr. Soumo Subhra Ray,
Mr. Amarnath Agarwal.
...for the petitioner

Ms. Sutapa Sanyal,
Ms. Sumitra Sarkar.
.....for the State/respondent

Mr. Arindam Banerjee,
Ms. Arpita Saha.
.....for respondent no. 9

Mr. Aloke Ghosh.
... for the K.M.C.

The writ petition has been filed alleging inaction of the part of the Kolkata Municipal Corporation in clearing the drain which has been allegedly blocked by the landlord.

According to Mr. Ghosh, learned advocate appearing on behalf of the Kolkata Municipal Corporation, the petitioner, who is the occupier of the premises is always at liberty to remove the garbage which has clogged the sewerage line at his own cost by employing his own persons.

Mr. Banerjee, learned advocate appearing on behalf of the respondent no.9 submits that there has been no blockage of the drains and the said application has been filed only to harass the landlord.

According to Mr. Ghosh, the Commissioner of the Kolkata Municipal Corporation is not the authority who looks into such issues.

Having heard the rival contentions of the parties the writ petition is disposed of by granting liberty to the petitioner to employ persons at his own cost to clear up the drain and if such persons fail to do so, then the petitioner will be at liberty to approach the appropriate department of the Kolkata Municipal Corporation for cleaning up the blocked drainage systems in the house. It is made clear that the costs shall be borne by the petitioner.

It is also made clear that the parties shall cooperate with each other.

I have not gone into the merits of the case of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)