

19.07.2021  
Sl. No.21  
srm

**W.P.A. No. 11154 of 2021**

**Om Prakash Bhartia**

**Vs.**

**The Kolkata Municipal Corporation & Ors.**

Mr. Nilanjan Bhattacharjee,  
Mr. Ravi Ranjan Kumar,  
Mr. Saket Sharma

...for the Petitioner.

Mr. Alope Kumar Ghosh

...for the KMC.

Mr. Arindam Chattopadhyay,  
Mrs. Lipika Chatterjee

...for the State.

Affidavit-of-service is taken on record.

The writ petition has been filed for grant of a writ of mandamus against the respondent No.6. It is prayed that the petitioner be allowed to conduct necessary repair works at Premises No.75, Cotton Street, P.O. and P.S. Burabazar, Kokata-700007. A further prayer has been made for a direction upon the respondent No.6 to vacate the premises and remove the goods and articles stored in the concerned premises.

The respondent No.6 is allegedly the tenant of the petitioner. It also appears that there was a civil suit and the suit was disposed of on the basis of a consent decree. The prayers in the writ petition and the pleadings do not reveal any inaction and non-action on the part of the Kolkata

Municipal Corporation. All the prayers are for orders against the private party.

The petitioner, at best, may have a civil dispute with the respondent No.6, for which, the petitioner is entitled to approach the appropriate forum. The Corporation has been impleaded only to invoke the jurisdiction of this court. It has been prayed that the Corporation be directed to aid the petitioner in repairing the premises by removing the respondent No. 6. Indirectly an eviction is being attempted.

The writ petition is not maintainable and the same is disposed of accordingly without any order.

There will be no order as to costs.

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

**(Shampa Sarkar, J.)**