

S/L 25
26.11.2021
Court. No. 19
GB

W.P.A. 18133 of 2021

Rajendra Singh Sabharwal
VS
The Kolkata Municipal Corporation & Ors.

Mr. Uday Narayan Betal.
...for the Petitioner.

Mr. Gurudas Mitra,
Mr. Dwijadas Chakraborty.
...for the K.M.C.

Ms. Sima Adhikari,
Ms. Kakali Naskar.
...for the State.

Mr. Ramij Munsî.
...for the Respondent No.12.

Affidavit-of-service filed in Court today be kept with
the record.

Reports filed by the police authorities and the Kolkata
Municipal Corporation are taken on record.

Liberty is granted to the petitioner to correct the name
of the respondent no.5.

The petitioner is a tenant in respect of the premises
no. 66, Shakespeare Sarani, P.S. Beniapukur, Kolkata-
700017 in Ward No.64, Borough-VII of the Kolkata
Municipal Corporation.

It is alleged by the petitioner that the landlords have
caused substantial demolition of the outer wall and
constructed shop rooms for commercial purpose thereby not
only violating the provisions of the Kolkata Municipal

Corporation Act, 1980 but also the Building Rules. According to the petitioner, major demolition had taken place for reconstruction of the said shop rooms.

Mr. Mitra, learned advocate appearing on behalf of the Corporation has filed a report, from which it appears that repairing work and renovation of the parapet wall and roof have been done and two rolling shutters have been fixed in the premises. The Corporation has also asked for an application from the landlords with a structural stability certificate from the empanelled structural engineer, under whose supervision such renovation had taken place. However, such direction of the Corporation has not been complied with by the landlords who are the respondent nos.9 to 12.

Mr. Munsii, learned advocate appearing on behalf of one of the directors of the company, who owns the building, submits that no illegality has been committed.

From the report of the police authorities it appears that some repairing work was going on for installation of two shutters.

Be that as it may, as the Corporation has already required a structural stability certificate, which has not yet been supplied to the Corporation, the writ petition is disposed of with a direction upon the Executive Engineer (Civil) Building, Borough-VII of the Kolkata Municipal Corporation to inspect the entire premises including interiors in order to assess whether there has been any

structural in stability after such renovation work and installation of the shutter. A decision shall be taken as to whether the same is permissible in the present condition of the building. The inspection should be done in presence of the parties with advance notice to the parties. A reasoned order shall be passed and communicated to the parties upon hearing the parties.

It is made clear that the owner of the building, who is represented by one of the directors shall ensure free ingress and egress of the Corporation authorities into the building and shop rooms in question, for such inspection.

The entire process shall be completed within a period of twelve weeks from date of communication of this order.

The only issue to be decided is whether there is any danger to the building and the occupants and also whether the nature of repair and renovation was permissible.

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.)