

Court No. 24  
19.01.2021  
(Item No. 3)  
(SB)

W.P.A 19350 of 2019  
CAN 1 of 2020

Smt. Subhra Dey & Ors.  
vs  
The Kolkata Municipal Corporation & Ors.

Mr. Souradipta Banerjee  
Mr. Subhojit Mullick  
...for the Petitioners

Mr. Ranajit Chatterjee  
Mr. Subhrangsu Panda  
.... for KMC

Mr. Souvik Kundu  
.... for OP Nos. 6 to 9

Supplementary affidavit filed by the  
petitioner is taken on record.

The petitioners pray for a direction upon  
the Kolkata Municipal Corporation to grant  
permission for construction of a new toilet in the  
first floor of the premises no. 14A Bacharam  
Chatterjee Lane, Kolkata – 700 005.

It has been submitted that petitioner no. 1  
is a senior citizen. She resides in the first floor of  
the building where there is no toilet. She has to go  
down to the ground floor for using the toilet. The  
condition of her health is that she is not in a  
position to go down to the ground floor.

The petitioners further submit that the  
daughter-in-law of the petitioner no. 1 has  
undergone a spinal surgery and she is also not in

a position to go down from the first floor to the ground floor for using the toilet.

The private respondents herein who are the co-owners of the aforesaid property are objecting to the construction of the toilet in the first floor of the said premises.

The learned advocate for the private respondents submits that if the toilet is constructed in the first floor then the light and air in the ground floor will be blocked.

Section 410 of the Kolkata Municipal Corporation Act, 1980 permits the Municipality to allow the occupier to make alteration in the existing building for the purpose of occupier's convenience, sanitation and safety. There is a provision for affording reasonable opportunity of hearing to the owner of the property in question prior to making such order.

There is a further circular of the Kolkata Municipal Corporation being Office Circular 9/20130-2014 dated 30.12.2013 where the Corporation may permit the occupiers to construct toilets.

In the instant case prayer has already been made by the petitioners for making such alteration in the building by constructing toilet in

the first floor for the purpose of convenience of sanitation.

In view of the aforesaid provision, the instant writ petition is disposed of by directing the Municipal Commissioner or his delegated agent to consider the request of the petitioner for according permission for constructing the toilet in the first floor of the premises after giving an opportunity of hearing to the petitioners and all other necessary parties, within a period of four weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioners and all necessary parties immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

**(Amrita Sinha, J.)**