

08.02.2021
SL No.17
Court No.24
(P.M.)

WPA 7566 of 2020

**Dr. Rashid Mazar & Ors.
Vs.
Kolkata Municipal Corporation & Ors.**

Mr. Debabrata Ray
... for the petitioners

Mr. Kumarjyoti Tewari
.... For the private respondent.
Mr. Biswajit Mukherjee,
Mr. F. Haque
... for Kolkata Municipal Corporation.

The Kolkata Municipal Corporation has filed the report in the form of affidavit pursuant to the direction passed by the Court.

It appears from the said report that an inspection was conducted at the site and it was found that there is an existing four storied building and construction of reinforced cement concrete side walls for lift well has been developed up to 3rd floor level.

After comparing the construction done so far and the reconstruction sanction plan it has been revealed that such construction complies with the sanction plan and there is no deviation found.

The report further mentions that the concerned architect and the structural engineer who have obtained the sanction plan submitted the notice of commencement under Rule 22 of the Kolkata Municipal Corporation Act, 1980 on 9th September, 2020 for supervision of the work.

The petitioners submit that they are the tenants of the said premises and the owners are constructing the lift in such a manner that the ingress and egress of the petitioners has been blocked. Mr. Kumar Jyoti Tiwari, the learned advocate for the private respondent denies the status of tenant of the petitioners.

The aforesaid allegation, in my opinion, is a private dispute between the parties. The petitioners will be at liberty to approach the appropriate forum, in accordance with law, for redressal of their grievances, if so advised.

WPA 7566 of 2020 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.)