

Court No. 24

03.03.2021

(Item No. 9)

(AB)

W.P.A 10063 of 2020

Subhas Chandra Kundu & Anr.

vs

The State of West Bengal & Ors.

Mr. Bratin Kumar Dey

..... for the petitioners

Mr. Ranjit Chatterjee

Mr. Dwijadas Chakraborty

..... For the Kolkata Municipal Corpn.

Mr. Suman Sengupta

Mr. Sanatan Panja

..... for the State

Mr. Prabal Mukherjee

Mr. Nilanjan Bhattacharjee

Mr. Arpan Guha

Mr. Shrishendu Chowdhury

.....for respondent Nos. 7 - 14

The grievance of the petitioners is that lift has been installed in the premises No. 37J/1D, Raja Manindra Road, Paikpara, Kolkata – 700 037, Ward No. 5, Br. – I under the Kolkata Municipal Corporation, without taking the consent of the petitioners who are the flat owners.

According to the petitioners, as they are the flat owners of the said apartment, their permission ought to have been taken prior to sanction of construction of lift in the said premises. The petitioner submits that the lift has been constructed in such a manner that their easementary rights are being infringed.

The learned advocate appearing on behalf of the private respondents submits that the lift has been

constructed, strictly in accordance with the plan that has been sanctioned by the Kolkata Municipal Corporation.

The learned advocate for the Kolkata Municipal Corporation submits that permission was granted for the construction of the lift in the said premises.

The grievance of the petitioners with regard to infringement of easementary rights cannot be decided by the Writ Court. The petitioners will be at liberty to approach the appropriate forum for redressal of their grievances. No relief can be granted to the petitioners in the instant case.

W.P.A. 10063 of 2020 stands dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)