

ORDER SHEET

WPO/80/2019
IA NO:GA/1/2019
(Old No.GA/841/2019)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MAGNUM ENTERPRISES & ANR.
Versus
THE KOLKATA MUNICIPAL CORPORATION & ORS.

.....

BEFORE:

The Hon'ble JUSTICE ARINDAM SINHA

Date : 4th January, 2021.

Appearance:

Mr. Utpal Bose, Sr.Adv.

Mr. U. S. Menon, Adv.

Mr. Abhirup Chakraborty, Adv.

..for petitioners.

Mr.Alak Kr. Ghosh, Adv.

..for KMC.

Mr. Avinash Kankani, Adv.

Mr. Suman Majumder, Adv.

..for private respondent no.6.

The Court :-Mr. Bose, learned senior advocate appears on behalf of petitioners and submits, his clients are tenants in premises being 11, Abanindra Nath Thakur Sarani (Camac Street), Kolkata-700017. The landlord, private respondent no.6, caused Department of Construction Engineering, Jadavpur University to report on the building. His client had no notice of making of the report. On getting to know of it his clients have caused drawing up of a plan for repairing the building. He submits, appropriate relief prayed for is a direction upon the Corporation to

consider the plan as will be submitted to it by his clients. Mr. Ghosh, learned advocate appears on behalf of the Corporation and submits, Jadavpur University has reported that the building is dilapidated and unsafe for use. Pendency of this writ petition prevented the Corporation from taking steps pursuant to the report. Mr. Avinash Kankani, learned advocate appears on behalf of respondent no.6 and wants to draw attention to disclosures in his client's affidavit-in-opposition, being photographs, to show the condition of the building.

Petitioners have brought forward report dated 3rd February, 2020 of R M. Engineers, which says, inter alia, the building is structurally safe and stable. They then prepared a plan and want the Corporation to sanction it. This, however, is not the prayer in the writ petition, which is challenge to notice dated 26th December, 2018.

Impugned notice was issued by the Corporation quoting from report of Jadavpur University. On query from Court, Mr. Ghosh submits, petitioners are tenants in the building. The entire building is reported to be unsafe. Any piecemeal proposal for repair cannot be the solution. However, his client will consider whatever proposal is put forward by petitioners.

Petitioners will approach the Corporation with their proposal on copy served to respondent no.6 as condition

precedent. The Corporation will give hearing to petitioners and said respondent, to decide on the proposal and dispose of it within three weeks from date of receiving it.

With above directions, the writ petition along with connected application is disposed of.

(ARINDAM SINHA, J.)

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