

ORDER SHEET

WPO 157 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ROUND UP PROPERTIES PVT. LTD. & ANR.
VS.
THE WEST BENGAL HERITAGE COMMISSION & ORS.

BEFORE:

The Hon'ble JUSTICE **AMRITA SINHA**

Date: 12th March, 2021

Mr. Dipayan Kundu, Ms. S. R. Das, Advocates for
the petitioners.

Mr. Alok Kr. Ghosh, Mr. D. K. Chatterjee, Advocates for
K. M. C.

Mr. Subrata Goswami, Adv. for West Bengal Heritage Commission.
Mr. T. M. Siddiqui, Mr. N. Chatterjee, Mr. P. Sinha, Advocates for the State.

The Court : Leave granted to the learned Advocate-on-Record of the petitioners to file the Vakalatnama in the department.

The petitioners pray for deletion of the premises no.138/2, Bidhan Sarani, Kolkata-700 004, Ward no.10, Borough-II, 'Uttara' cinema building from the heritage list published by the Kolkata Municipal Corporation.

The petitioners rely upon a document annexed at page 60 of the writ petition which appears to be written by the Chairman of the West Bengal Heritage Commission on 6th September, 2006 in connection with W. P. 1807 of 2005 (Ami Chand Baid Vs. The Kolkata Municipal Corporation & Ors.)

The petitioners filed representations before the Director General, Project Management Unit from time to time. It has been submitted that none of the representations has been considered by the said respondent till date.

The learned Advocate appearing on behalf of the West Bengal Heritage Commission submits that according to their records, the aforesaid building has not been considered to be a heritage property.

The learned Advocate appearing on behalf of the Kolkata Municipal Corporation submits that admittedly the building in question is enlisted in the heritage list prepared by the Kolkata Municipal Corporation.

The petitioners pray for delisting the aforesaid premises from the heritage list. Their representation is pending for consideration before the respondent authority.

Accordingly, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to take steps for consideration of the representation of the petitioners upon consideration of the document annexed at page 60 of the writ petition, strictly in accordance with law, within a period of six months from the date of communication of a copy of this order. The petitioners shall be afforded an opportunity of hearing prior to take a decision in the matter. The decision taken shall be communicated to the petitioners immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided by the

respondents at the time of consideration of the representation of the petitioners.

The petitioner is directed to forward a copy of the instant writ petition along with all annexures to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)