

OD-3

ORDER SHEET

WPO 182 of 2020

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MR. ARTAK SARGSYAN
VERSUS
STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 25th January, 2021.

(VIA VIDEO CONFERENCE)

Appearance:

Mr. Partha Pratim Roy, Adv.
Mr. Dyutiman Banerjee, Adv.
...for the petitioner

Mr. Achintya Kr. Banerjee, Adv.
Mr. Anand Fermania, Adv.
...for KMC

Mr. Indranil Nandi, Adv.
Mr. Sayak Konar, Adv.
...for the respondent no.8

The Court: The Manager of the Davidian Girls' School approached this Court earlier, as the Official Trustee did not cooperate with the petitioner as regards signing of documents and papers which were required for sanction from the competent authority for reconstruction of the building standing at premises no. 15A, Royd Street, Kolkata-700016.

This Court by an order dated 29th October, 2014 passed in AOT No. 1 of 2013 was pleased to direct that the applicant shall carry out construction out of its own fund and strictly in terms of the plan to be

sanctioned by the Kolkata Municipal Corporation for reconstruction of the building in question.

The petitioner thereafter submitted the plan for obtaining the sanction from the Kolkata Municipal Corporation.

The Kolkata Municipal Corporation by a communication dated 3rd December, 2019 intimated the petitioner that he had submitted a proposal for sanction of B+G+IV storied school building at the premises no. 15A, Royd Street, but the photocopy of the indenture of settlement was in respect of the premises no.19, Royd Street.

The specific case of the petitioner is that the indenture of settlement is a very old document and that was made in respect of the premises no.19 Royd Street. The said premises has since been renumbered by the Kolkata Municipal Corporation and the present number of the premises is 15A, Royd Street. The petitioner has accordingly submitted the plan for sanction of the structure at premises presently numbered as 15A, Royd Street.

The petitioner has filed a letter demanding justice dated 6th March, 2020 in the Office of the Kolkata Municipal Corporation. The petitioner complains that the said representation is yet to be considered and disposed of by the respondents.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation does not have any instruction in the matter.

As it appears that it is the specific case of the petitioner that the old no. 19, Royd Street has since been renumbered as 15A, Royd Street and the documents in respect of 19, Royd Street has been submitted before the

Kolkata Municipal Corporation, it is the duty of the Kolkata Municipal Corporation to inspect their own records and take necessary steps for consideration of the prayer of the petitioner for grant of sanction plan in respect of the premises in question.

As the matter is pending for quite some time, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation and particularly the respondent nos. 5 and 6 to take a decision with regard to the prayer of the petitioner for grant of sanction plan in respect of the premises no. 15A, Royd Street, strictly in accordance with law, within a period of 8 weeks from the date of communication of a copy of this order. The said respondents shall afford an opportunity of hearing to the petitioner or its authorised representative and pass a reasoned order in the matter and communicate the same to the petitioner immediately thereafter.

It is needless to mention that if the documents in respect of the premises is found to be in order, then necessary steps shall be taken for grant of sanction of the plan submitted by the petitioner.

WPO 182 of 2020 stands disposed of accordingly.

(AMRITA SINHA, J.)