

ORDER SHEET

WPO 356 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

M/S. MONOTONA MARKETING (P) LTD.
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE **AMRITA SINHA**
Date: 3rd March, 2021

Mr. Dhiraj Trivedi, Mr. Pankaj Ladia, Advocates for
the petitioner.

Mr. Alak Kumar Ghosh, Advocate for K. M. C.

The Court : The petitioner is a lessee in respect of the premises no.27, Ezra Street, Police Station –Hare Street, Kolkata – 700 001, Ward No.45 under the Kolkata Municipal Corporation.

According to the petitioner, the building standing on the said premises is a very old one and in a dilapidated condition.

In response to one of the representations filed by the petitioner, the officers of the Kolkata Municipal Corporation inspected the premises and demolished a portion of the same which according to the Corporation was in a dangerous condition.

The petitioner submits that the Corporation should inspect the premises all over again and take necessary steps in accordance with the provision of Section 411 of the Kolkata Municipal Corporation Act, 1980. The petitioner had made several representations requesting the Kolkata Municipal Corporation to take steps for demolishing the dilapidated, unsafe and the dangerous parts/portion of the said premises. The representation of the petitioner has not been responded to by the Corporation.

The learned Advocate representing the Kolkata Municipal Corporation submits that the Corporation will take steps in accordance with the provision of Section 411 of the Kolkata Municipal Corporation Act, 1980 as and when the Corporation deems necessary to act in accordance with the said provision.

It has been submitted that the officers of the Kolkata Municipal Corporation inspected the premises and thereafter did not take any step for issuance of notice under Section 411 of the KMC Act, 1980. It implies that the Corporation did not feel it necessary to invoke the provision of Section 411 of the KMC Act in respect of the said premises. It has been submitted that the petitioner will be at liberty to make necessary repairing or reconstruction or demolition of the premises under the supervision of the Licensed Building Surveyor (LBS) or a Structural Engineer duly empanelled with the Kolkata Municipal Corporation.

As the Kolkata Municipal Corporation has thought it fit not to invoke the provision of Section 411 of the Kolkata Municipal Corporation Act, 1980,

it will be open for the petitioner to take steps for repairing/renovation/reconstruction/demolition of the said premises after obtaining necessary permission from the Kolkata Municipal Corporation.

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.)