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ORDER SHEET

WPO 415 of 2021

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GANESH KUMAR PERIWAL AND ORS.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 16th August, 2021.

[Via video conference]

Appearance:

Mr. Utpal Majumdar, Adv.
Mr. Dwaipayan Ghosh, Adv.
Ms. Dikshita Chomal, Adv.
...for the petitioner

Mr. Alok Kumar Ghosh, Adv.
Ms. Manisha Nath, Adv.
...for KMC

The Court : The petitioner seeks consideration of the several representations made through his learned advocate before the Municipal Commissioner, the Director General of Building and the Executive Engineer, Building Department, Borough-V of the Kolkata Municipal Corporation. The last representation was made on August 2, 2021.

It is the contention of the petitioner that the ground floor of the premises no.92A, Jamunalal Bajaj Street, Kolkata-700007 is in a dilapidated condition. Accordingly, the Joint Commissioner passed an order on January 21, 2017 for

demolition of the first and second floor of the said building. Thereafter, the petitioner made several representations requesting the authority to demolish the ground floor, which is also beyond repair and cannot be used for any purpose. It is submitted that the said premises are risky and may cause fatal accident.

Mr. Ghosh, learned advocate appearing on behalf of the Kolkata Municipal Corporation submits that if the authorities have decided that the first and second floor should be demolished, there is a presumption that the ground floor was not in such a condition that it cannot be used after repair.

As disputed question of facts are being raised, the Court directs the Municipal Commissioner, Kolkata Municipal Corporation or any delegate empowered to look into the grievances of the petitioner, to dispose of the representation dated August 2, 2021 made through the learned advocate for the petitioner in accordance with law upon hearing the petitioner and any interested person. An inspection should be held in presence of the petitioner and the occupants prior to such hearing. The concerned authorities will pass a reasoned order, which will be communicated to all the parties.

The entire exercise shall be completed within eight weeks from the date of communication of this order.

WPO No. 415 of 2021 is disposed of accordingly.

(SHAMPA SARKAR, J.)