

ORDER SHEET

WPO 434 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TRANSPARENCY BUILDERS PVT. LTD. & ANR.
VS.
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 18th January, 2021

Mr. Amit Gupta, Mr. Anindya Bose, Advocates
for the petitioners.

Mr. Achintya Banerjee, Mr. Swapan Kr. Debnath,
Advocates for K. M. C.

The Court : Affidavit of service filed in Court today is retained with the records.

Leave is granted to the petitioners to implead Heritage Conservation Committee as party respondent in the instant writ petition. The Department is directed to make the necessary correction at once.

The requirement of service of the copy of the writ petition upon the added respondent is dispensed with as the learned Advocate appearing on behalf of the Kolkata Municipal Corporation undertakes to enter appearance on behalf of the added respondent.

The petitioners pray for an order directing the Kolkata Municipal Corporation to accept his application praying for sanction of the reconstruction plan in respect of the premises no.32A, Elliot Road, Kolkata-700 016, Ward No.61, Borough VII. The petitioners further pray for a direction upon the Heritage Commission for withdrawal of the heritage status of the said building.

The learned Advocate representing the Kolkata Municipal Corporation submits that prior to the petitioners purchasing the aforesaid property the same was declared as heritage property. The respondents may be directed to consider the petitioners' prayer for withdrawal of the heritage status, of the building.

The supplementary affidavit filed by the petitioners contains a letter dated 8th August, 2019 wherefrom it appears that the petitioners have already made a prayer for withdrawal of the heritage status of the said building.

Accordingly, the instant writ petition is disposed of by directing the Director General (Building) to consider the petitioners' application for grant of sanction of the reconstruction plan within a period of 12 weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

As regards the prayer of the petitioners for withdrawal of the heritage status, the same shall be considered by the added respondent strictly in accordance with law within a period of 12 weeks from the date of communication of a copy of this order. The said respondent shall pass a

reasoned order and communicate the same to the petitioners immediately thereafter.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioners.

The writ petition is disposed of.

(AMRITA SINHA, J.)