

OD-26

WPO/ 984/ 2016
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

RITA SUR

Versus

KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 28th January, 2021.

Appearance:-

Mr.Manas Dasgupta, Adv.

Mr.Prosenjit Mukherjee, Adv.
Mr.Saptarshi Chakraborty, Adv.
Mr.Somnath Roy, Adv.

Ms.Tapati Samanta, Adv.

The Court : The grievance of the petitioner is directed against an order dated 2nd September 2016 passed by the respondent Corporation under Section 411 of The Kolkata Municipal, 1980 (The Act). The petitioner assails the order on the ground that the same is incomplete, sketchy and not proper. The petitioner further submits that the building in question is dangerous and dilapidated and the Corporation should have directed demolition of the building.

The Corporation is represented and submits that subsequent to the filing of this writ petition diverse orders have been passed from time to time

and there is also a further report which the Corporation has submitted. The Corporation also submits that there are twelve tenants in the subject premises and the disputes between the petitioner and the tenants are civil in nature.

The tenants are represented and it is submitted on their behalf that the writ petition has been filed only for their eviction and harassment.

Heard the parties.

In view of the subsequent tenants that have taken place since the filing of the writ petition and the fact that the impugned notice has lost its force, I am of the view that no useful purpose would be served in keeping the writ petition alive. It is fairly submitted on behalf the Corporation that after the filing of the writ petition, the Corporation themselves have taken further steps and are not pursuing the impugned notice.

In view of the submissions made on behalf of the Corporation and the subsequent events which have taken place, I allow the writ petition by setting aside the impugned notice under Section 411 dated 26th September, 2016. The Corporation is at liberty to take steps in accordance with law which they deem fit and proper.

(RAVI KRISHAN KAPUR, J.)