

06.07.2022
rc/ct.no.24
Item No.ML-113

WPA No. 6226 of 2021
M/s Union Timber Supply Company
Versus
Kolkata Municipal Corporation & Ors.

Mr. Manwar Ali
Mr. Prithu Ghosh
Mrs. Sujata Ghosh ...for the Petitioner

Mr. Gopal Chandra Das
Mr. Rudranil De ...for the KMC

Mrs. Sutapa Sanyal
Mrs. Susnita Saha ...for the State

Affidavit of service filed in Court today is taken on record.

The petitioner is a partnership firm and claims to be running the business of saw mill in the premises no. 26/H/9, Canal East Road, Kolkata 700 054 since 1956 with valid license. According to the petitioner in view of the cyclone Amphan in the year 2020 the tin shed of the factory has been blown away and he sought permission from the Executive Engineer, Building Department of the Kolkata Municipal Corporation (in short, "KMC") praying for a direction to repair the same.

The petitioner alleges that the private respondents are standing in the way of repairing the premises in question.

The petitioner has disclosed in the writ petition that the predecessor in interest of the private

respondents was the lessee in respect of the said premises and the petitioner is the sub-lessee.

It has been averred in the writ petition that the lease has expired and the petitioner has filed application for extension of lease but the same has not been entertained by the State of West Bengal.

It is further averred in the writ petition that the petitioner is unable to repair the shed in view of the order of status quo passed by the learned 14th Additional District Judge, Alipore in Title Appeal No. 406 of 1993, Title Appeal No. 407 of 1993 and Money Appeal No. 19 of 1993 filed by the private respondents.

There is no averment in the writ petition that the KMC is standing in the way of effecting the necessary repairs. The primary thrust of the petitioner is that the private respondents are restraining the petitioner from repairing the shed.

It appears from the submissions made by the learned counsel appears on behalf of the petitioner and the documents annexed to the writ petition that the dispute in question is absolutely private in nature. There is no allegation or infirmity on the part of the KMC.

In view of the above, no relief can be granted to the petitioner.

The writ petition fails and is hereby dismissed.

There shall be, however, no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Amrita Sinha,J)