

ML 130
13.07.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 7422 of 2021

**Monoranjan Singha Hazari
-versus
The State of West Bengal & Ors.**

**Ms. Sanghamitra Nandy.
...For the Petitioner.**

**Mr. Rabindra Narayan Dutta,
Mr. Suprabhat Bhattacharyya.
...For the State.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For KMC.**

Pursuant to the direction passed by the Court on 21st September, 2021, an inspection was conducted by the Kolkata Municipal Corporation on 16th November, 2021 after serving notice to the petitioner as well as the respondents.

The President and the Secretary of the Hudco Apartment Owner's Association were present but the petitioner was not present at the time of inspection.

Learned advocate appearing for the petitioner submits that in view of the Covid restriction, the petitioner was unable to remain present at the time of the inspection.

The report dated 16th November, 2021 signed by the Executive Engineer (Civil) Building Department, Borough-III of the Kolkata Municipal Corporation mentions that during inspection it was observed that a plan was sanctioned for addition alteration of a four storied building including installation of a lift at Block -9. The lift was sanctioned for functioning from the ground floor to third floor. There is a passage of width 1.0m in front of the lift as shown in the aforesaid plan and there is adequate space for free entry and exit to Block-9 of the aforesaid premises.

The petitioner is a resident in the Block 9.

It has been submitted that in the event the lift is installed at the said place, then there will be restriction in free movement of the inhabitants of the said building.

The Executive Engineer has opined in the report filed in Court today that there is adequate space for free entry and exits.

Nevertheless, Kolkata Municipal Corporation is directed to once again inspect the said premises to ascertain as to whether there can be any alternative area where the lift may be installed so that there may not be any obstruction in the free movement of the inhabitants of the said Block.

In the event, the men and agents of the Corporation is of the opinion that there is no other alternative space available for installation of the lift, then the lift may be installed at the proposed site in accordance with law.

The inspection shall be conducted upon giving prior notice to all the concerned parties within four weeks from the date of communication of a copy of this order.

The report of the fresh inspection be forwarded to all the parties immediately thereafter.

The report filed by the Executive Engineer (Civil), Building Department, Borough-III, Kolkata Municipal Corporation dated 16th November, 2021 be retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)