

19.05.2022
Sl. No.19
srm

W.P.A. No. 8423 of 2022
Binoy Kumar Chanda & Anr.
Versus
The State of West Bengal & Ors.

Mr. Subhabrata Chowhdury,
Ms. Tripti Pandey,
Mr. Biswajit Goswami
...for the Petitioners.

Mr. Ayan Mitra
...for the Respondent Nos.7 to 11.

Mr. Debjit Mukherjee,
Ms. S. Chatterjee
...for the State-respondents.

Affidavit of service is taken on record.

The Court does not find that there are any allegations of violation of statutory or fundamental rights of the petitioners, by the Kolkata Municipal Corporation. The allegation of the petitioners is against the respondent Nos.7 to 11, who are the landlords and who have been asked by the Corporation to repair some portions of Premises No.4C, Rash Behari Avenue, Kolkata-700026 and demolish the dilapidated portions, so that the building may be restored to a habitable condition. Such repair has been directed to be done under the supervision of an empanelled structural engineer of the Corporation, without changing the nature and character of the existing building.

The petitioners are alleged to be tenants in respect of the premises in question. The landlords, who are represented by the learned Advocate, submit that the petitioners are trespassers. However, the dispute with regard to title and status of the petitioners are not relevant for the purpose of disposal of the writ petition. If the building is in dilapidated condition and the Corporation has come to a conclusion to that effect, the landlords are bound to repair the said building, as directed by the Corporation in the notice dated April 23, 2022. It has been already mentioned by the Corporation that the nature and character of the existing building would not be changed. The petitioners have agreed that repair works are necessary. Rather, they submit that they would cooperate with the repair work.

Under such circumstances, the Court does not find any reason to keep the writ petition pending. If the petitioners are aggrieved by the notice they have the liberty to approach the Corporation in accordance with law. If the petitioners have any specific reason not to permit the repair works, as directed by the Corporation, they also have the liberty to approach the Corporation. If such approach is made, the same shall be disposed of upon hearing all the parties.

This Court has not gone into the merits of the claims and counterclaims of the parties and all points are left open for decision by the Corporation.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)