

Sl. No.10
02.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8544 of 2022

Sri Santi Ranjan Sinha

vs.

The Kolkata Municipal Corporation & Ors.

Mr. Saumyen Datta

Ms. Dolon Dasgupta

... for the petitioner

Mr. Debjit Mukherjee

Mr. Debangshu Mondal

... for Kolkata Municipal Corporation

Mr. Kaunish Chakraborti

Mr. Kh. Samiul Haque

... for the private respondent

The petitioner is aggrieved by the construction of a toilet by the private respondent in the first floor of the premises in question. The petitioner is armed with a report from the Engineer of the Jadavpur University which suggests that the toilet that has been constructed is adding extra load to the already old structure standing thereon.

Learned advocate representing the private respondent submits that toilet has been constructed for emergency use as the respondent no.7 is suffering from certain ailments.

The Kolkata Municipal Corporation has already filed a report before this Court which mentions about the three storied old masonry building standing

thereon. Water droplets were seen to be falling from the ceiling in the ground floor of the petitioner and the bath room is on the first floor just above the dinning area of the petitioner.

The report does not mention anything about the extra load that has been put on the old structure on account of construction of the toilet without any permission from the Kolkata Municipal Corporation.

The petitioner has already filed a representation before the Kolkata Municipal Corporation in October, 2021.

The Deputy Chief Engineer (Building), Borough-III, Ward No.33 of the Kolkata Municipal Corporation is directed to consider the representation filed by the petitioner in October, 2021 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and thereafter pass a reasoned order and communicate the same to the parties immediately thereafter.

The Kolkata Municipal Corporation shall specially taken into consideration the concern of the petitioner that the construction of the toilet is adding up extra load to the old structure and there is water seepage from the toilet which is damaging the existing old structure.

Necessary steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 7th October, 2021 submitted before the Kolkata Municipal Corporation on 25th October, 2021.

Exception of the petitioner to the report filed by the Kolkata Municipal Corporation be retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities

(Amrita Sinha, J.)