

Item No. 70

14.11.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 9114 of 2022

**Achintya Paul**

**-vs.-**

**The Kolkata Municipal Corporation & Ors.**

Mr. Mahim Sasmal

...For the Petitioner.

Mr. Alok Kumar Ghosh

Mr. Swapan Kumar Debnath

...For KMC.

The petitioner claims to be a tenant of a room which is used for commercial purpose under the respondent no. 8 at the Premises No. 105, Netaji Subhas Road, Kolkata- 700 001.

According to the petitioner the tenanted premises is in a ruinous condition and is required to be repaired. A representation was filed before the Executive Engineer(C), Borough-V of the Kolkata Municipal Corporation in May 2022 seeking a direction for taking steps against the landlord for not repairing the endangered portion of the building.

The petitioner has annexed a rent receipt allegedly issued by and on behalf of the landlord showing that the petitioner has paid rent of Rs. 134/- per month for the months of January to March, 2022.

The landlord is not represented in Court. The affidavit of service contains the track report mentioning that that the respondent no. 8 has refused service of the writ petition.

In the absence of the landlord, the Court is not in a position to decide the issue conclusively.

In view of the above, the Executive Engineer, Borough-V is directed to cause spot inspection of the premises in question upon giving prior notice to the petitioner, the landlord(s) and any other necessary parties to ascertain the structural health of the subject premises.

The Executive Engineer shall take steps to inspect the property in question positively by November 30, 2022.

The report of inspection shall be circulated amongst the necessary parties. The Executive Engineer shall take further consequential steps in the matter as required.

The writ petition stands disposed of.

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

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

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(Amrita Sinha, J.)