

Item No. 76

05.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13072 of 2022

Sambhunath Jaiswal

v.

Kolkata Municipal Corporation & Ors.

Ms. Koyeli Bhattacharya

... for the petitioner.

Mr. Biswajit Mukherjee

Mr. Debangshu Mondal

... for KMC.

The petitioner prays for a direction upon the Kolkata Municipal Corporation for deletion of the word 'Khatal' in respect of the Premises No. B/5B/H/7, Shibtala Lane, Ward No. 36, Kolkata-700015 from the records maintained by the Kolkata Municipal Corporation and for conversion of the said premises to 'Pakka'.

The petitioner relies upon a Circular dated July 6, 2021 issued by the Municipal Commissioner of the Kolkata Municipal Corporation which mentions about a physical inspection to be made to ascertain as to whether the 'Khatal' is in existence or not.

Learned advocate for the petitioner submits that an inspection has already been conducted by the Kolkata Municipal Corporation. There is, however,

nothing on record to suggest that the inspection was conducted.

In view of the above, the Kolkata Municipal Corporation is directed to conduct a physical inspection of the premises in question giving prior notice to the petitioner and all other necessary parties to ascertain as to whether a 'Khatal' exists in the premises in question or not.

The men and agents of the Kolkata Municipal Corporation are directed to conduct the inspection within a fortnight and to take necessary steps in the matter within a period of six weeks thereafter.

A reasoned order shall be passed upon giving an opportunity of hearing to the petitioner and the same shall be communicated to the petitioner immediately thereafter.

If upon physical inspection it is revealed that there is no existence of 'Khatal' at present, then necessary steps shall be taken in accordance with the Municipal Commissioner's Circular No. 22 of 2021-22 dated July 6, 2021.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)