

06.04.2022
Court No. 19
Item no.10
CP

W.P.A. No. 14861 of 2021

Mahes Saha
Versus
The State of West Bengal & Ors.

Mr. Sandip Ghosh
Mr. Partha Sarkar

...for the petitioner.

Ms. Jayeeta Sinha
Mr. Ayan Banerjee

....for the State respondents.

Mr. Gopal Chandra Das
Ms. Sabnam De

....for the K.M.C.

Despite service on several occasions, none appears on behalf of the added respondent no. 5.

The Kolkata Municipal Corporation (hereinafter referred to as 'the corporation') had held an inspection as per the directions of this court and a report is submitted. Such report is taken on record.

From the report it appears that the building, which is partly two storeyed and partly three storeyed, situated at premises No. 23, Raja Lane, Kolkata – 700009, Ward No. 040 of Borough – V, is in a ruinous condition and needs immediate repair. Thus, the contention of the petitioner that the repairing work had to be done on an emergent basis

has been accepted by the corporation in the inspection report.

Under such circumstances, the petitioner will apply for withdrawal of the 'stop work' notice and indicate the nature of repairing, that is to be done in the premises and the permission granting authority shall allow such repair in accordance with law.

The corporation has mentioned that emergent repairing works may be carried out under the supervision of an empanelled structural engineer of the corporation.

Thus such repairing work shall be continued by the petitioner as directed by the corporation in the presence of and under the supervision of an empanelled structural engineer. The empanelled structural engineer shall be engaged at the cost of the petitioner. The said empanelled structural engineer will furnish a report to the corporation with regard to the structural stability of the building and also undertake that such repairing work shall not amount to causing further damage to the building or shall not diminish its stability in any way.

The petitioner can continue with the emergent repairing work as already indicated by the corporation, but the same shall not amount to reconstruction, rebuilding or demolition of major portions.

Such repairing will be restricted to the portion enjoyed by the petitioner and the repairing work shall not cause any damage or inconvenience to the respondent no. 5 who is also residing in a separate portion of the said building.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)