

16.11.2022

Item No.20

Crt.No.24

b.r.

W.P.A 16890 of 2022

Smt. Ruma Dutta & Anr.

-vs-

The Kolkata Municipal Corporation &

Ors.

Mr. Ivan Roy

Mr. Sk. Abdur Rahim

Mr. Debangsho Bandho

..... for the petitioners.

Mr. Himadri Sekhar Chakraborty

Mrs. Susnita Saha

..... for the State.

Mr. Barin Banerjee

Mr. Debangshu Mondal

..... for the Kolkata Municipal Corporation.

Mr. Parasar Baidya

Mr. Rajib Acharya

..... for the Resps. Nos. 9, 10 and 11.

The petitioners complain that the car parking space at the premises No. 274, Pirpukur Road, Ward no. 113 of Borough-XI under the jurisdiction of the Kolkata Municipal Corporation has been illegally converted into shop rooms.

The petitioners objected to the same by filing representation before the Executive Engineer of the concerned borough and the Officer-in-Charge, Bansdroni P.S. As no response was made by the aforesaid respondents, the petitioners filed detailed representation before the Kolkata Municipal Corporation and the officers of the Municipal

Corporation. None of the representations have been answered.

Learned advocate representing the respondent nos. 9, 10 and 11 denies the allegation of the petitioners. It has been submitted that no permanent construction have been raised and the shop rooms are running there with valid trade license for quite some time.

Instructions have been forwarded by the Kolkata Municipal Corporation signed by the Sub-Assistant Engineer and the Executive Engineer (Civil) Borough-XI on 16th August, 2022. The instruction mentions that during inspection it has been observed that four shops exist in front of the building in place of the open car parking space. On demand, the shop owners relied upon the deed of conveyance, trade license, mutation certificate issued in their favour.

The instruction that has been forwarded by the Corporation clearly speaks that the shop rooms are running at the place earmarked as car parking space. The same is impermissible in law.

In view of the above, the Executive Engineer (Civil), Borough-XI being the respondent no.4 is directed to verify whether any license has been issued for running shop rooms from the car parking space and whether the shops which are running at the space

earmarked for car parking may be permitted to run any further.

A decision shall be taken in the matter in accordance with law after giving reasonable opportunity of hearing to the petitioners as well as the respondent nos. 9, 10 and 11.

The aforesaid respondent shall decide the issue at the earliest but positively within a period of twelve weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

The aforesaid respondent shall not be swayed by the fact that deed of conveyance, trade license and mutation certificate has been issued in favour of the private respondents.

The only issue for consideration will be the permissibility of conversion of car parking space into shop rooms. The said respondent shall not enter into or decide any civil dispute in between the parties.

Instructions given by the engineers of the 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 upon compliance with all necessary formalities.

(Amrita Sinha,J.)