

23.03.2022
Court No. 19
Item No.21
sn

WPA 18338 of 2021

Dhruba Jyoti Basu
Vs.
The State of West Bengal & ors.

Mr. B.J.Basu
Mr. Uttam Kr. De
.....for the petitioner.

Mr. Achinta Kr. Banerjee
Mr. Ananda Fermania
Ms. Indumouli Banerjee
.....for the K.M.C.

Mr. Sandip Prasad Shaw
Ms. Ilika Patra
..for the intervenor

The petitioner has alleged that some officials of the Kolkata Municipal Corporation raised certain objection when the petitioner attempted to repair and paint the premises situated at 24, Karaya Road, Police Station Beniapukur, Kolkata 700 017. The repair work did not commence, thereafter.

Learned advocate for the intervenor submits that the building is old and needs minor repair and painting. The intervenor is in occupation of a part of the premises.

It appears that the petitioner informed the Executive Engineer, Building Department, Borough VII of his intention to repair the walls of the building cornice and parapets. Mr. Basu submits that

permissions are not required from the Corporation for the repairs proposed to be made.

Mr. Banerjee, learned advocate for the Corporation submits, on instructions, that the Corporation had not authorized any person to object to the repairing work.

Mr. Banerjee submits that as per law, before the petitioner commences the painting work, an intimation must be given to the Corporation, two weeks in advance.

Under such circumstances, this writ petition is disposed of on the submissions of Mr. Banerjee. The law as per the Rule 3(2) of the Kolkata Municipal Corporation Building Rules, 2009(hereinafter referred to as the “said Rule”), with regard to the nature and extent of repair permissible, shall be followed and the petitioner can commence the work accordingly. A letter must be given to the Corporation by the petitioner, two weeks prior to commencing the painting work.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate’s communication.

(Shampa Sarkar, J.)