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ORDER SHEET

WPO No. 606 of 2019
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ABDUL KADER & ORS.
-Versus-
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 15th September, 2022.

Appearance:
Mr. Samrat Chowdhury, Adv.
Sk. Reazul Islam, Adv.
Mr. Biswajit Chowdhury, Adv.
...for Petitioners.

Mr. Biswajit Mukherjee, Adv.
Mr. Swapan Kr. Debnath, Adv.
...for KMC.

Sk. Md. Galib, Sr. Govt. Adv.
Mrs. Tanwishree Mukherjee, Adv.
...for Respondent Nos.6 & 7.

Mr. Debasish Ghosh, Adv.
Mr. Sayan Ganguly, Adv.
...for the State.

The Court:-The petitioners claim to be the Mutawallis of the Wakf property at premises No.25, Ripon Lane, Police Station-Park Street, Kolkata-700 016.

According to the petitioners, the structure standing thereon is in an absolute dilapidated condition.

The Kolkata Municipal Corporation has declared the structure as "dangerous building".

The learned advocate representing the Board of Wakfs submits, upon instruction that, the condition of the building is very poor and in an uninhabitable condition.

The petitioners have applied before the Kolkata Municipal Corporation for dismantling the existing structure and for constructing a new one. The plan has already been sanctioned by the Kolkata Municipal Corporation.

Learned advocate appearing for the petitioners has already given an undertaking in the writ petition that the occupiers of the said structure will be rehabilitated in the new structure to be constructed thereon.

The petitioners apprehend that the respondent nos.9 to 13 who are the occupiers of the said premises may cause disturbance and stand in the way of dismantling the structure.

As the plan has already been sanctioned for making construction in the said property, it will be open for the petitioners to approach the Officer-in-Charge of the jurisdictional Police Station in the event there is any disturbance by the respondent nos.9 to 13 at the time of dismantling the structure standing thereon.

The communication made by the learned Advocate-on-record of the petitioners to the learned Advocate-on-record appearing on behalf of the respondent Nos.9 to 13 be retained with the record.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)