

ORDER SHEET  
WPO/2236/2022  
IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

RAJESH PANDEY AND ORS  
VS  
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 17<sup>TH</sup> JUNE, 2022.

Appearance:  
Mr. P. B. Mallick, Adv.  
For the petitioner

Mr. Swapan Debnath, Adv.  
Mr. Gopal Chandra Das, Adv.  
For KMC

Ms. S. Roy Chowdhury, Adv.  
Mr. S. Nasim Aeja, Adv.  
For the respondent No.7

The Court: Affidavit-of-service filed in Court today be taken on record.

In compliance of the direction passed by the Court on 9<sup>th</sup> June, 2022, the building in question has been inspected by the engineers of the Kolkata Municipal Corporation. The report and the photographs taken at the time of inspection have been placed in Court. The report is signed by the Assistant Engineer (Civil) and the Executive Engineer(Civil)Bldg./Br-IV&V dated 11<sup>th</sup> June, 2022.

The same mentions that the three storied residential building at the premises being No.14A, Ramtanu Bose Lane, Kolkata 700 006 is very old

and dilapidated due to lack of maintenance and three sides of the said building abuts the road. The peripheral walls are bulging towards road side. Local enquiry revealed that more or less 100 peoples reside there. Neither the owners nor the occupiers repaired the building and the same is in a ruinous state and has been declared as dangerous building on 1<sup>st</sup> November, 2021 under Section 411(2) of the KMC Act, 1980.

On receipt of telephonic complaint regarding an unauthorized construction, the department inspected the concerned premises and found that the person responsible constructed R.C.C Slab and brick-wall in the 2<sup>nd</sup> floor and a cantilever portion in the 1<sup>st</sup> floor without the sanction plan and violating the repairing notice issued under Section 411 (1) of KMC Act, 1980 by changing the nature and character of the structure. The building has slanted in one side and incorporation of additional load may cause the entire structure to collapse.

Learned Advocate appearing on behalf of the petitioners submits that they are the occupiers of the said premises and they were taking steps for making their portion habitable by repairing the same.

Learned Advocate representing the respondent No.7 that is the owner submits that the writ petitioners are forceful occupiers of portions of the said premises. They are not the tenants under the landlord.

As it appears from the report filed by the Corporation that the case file is under process under Section 412A of the Act, accordingly the parties will be at liberty to approach the Kolkata Municipal Corporation for taking

necessary steps under Section 412A of the said Act strictly in accordance with law.

In the event, the parties approach the Corporation with application under Section 412A, necessary steps shall be taken by the Corporation to redress the issue at the earliest.

The parties are restrained from making any construction in the said premises without taking any permission/sanction from the Kolkata Municipal Corporation.

The writ petition being WPO No.2236 of 2022 stands disposed of.

The report dated 11<sup>th</sup> June, 2022 with the photographs be taken on record.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)

A.Dey

