

ORDER SHEET

WPO 2304 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ATUL D. MEHTA
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 3rd August, 2022

Mr. Raghunath Chakraborty, Ms. Sonali Sengupta, Advocates for petitioner.

Mr. Alok Kr. Ghosh, Mr. Mihir Kundu, Ms. Piyali Sengupta, Advocates for K.M.C.

Mr. Aniruddha Chatterjee, Mr. Ajay Gaggar, Mr. Uttiyo Mallick, Ms. Vedika Sureka,
Advocates for respondent nos.5 & 6.

The Court : The matter relates to the premises no. 113, Chittaranjan Avenue, Kolkata – 700 073. The said building has been declared as condemned building by the Kolkata Municipal Corporation.

The landlords of the said premises intend to avail the benefit in accordance with the provision of Section 412A of the Kolkata Municipal Corporation Act, 1980. The petitioner happens to be one of the tenants of the said premises and is occupying an area of approximately 100 sq. ft. in the said premises.

The petitioner submits that the provision of Section 412A and the guidelines as mentioned in the Office Circular No.7 of 2021-2022 dated 22nd November, 2021 issued by the Director General (Building) has not been followed in the present case.

Learned Advocate for the landlords submit, upon instruction that, an undertaking has already been submitted by the landlords before the Corporation that the area of approximately 100 sq. ft. has been earmarked for the petitioner in the proposed construction plan.

Learned Advocate representing the Kolkata Municipal Corporation submits that the provision of Section 412A and the guidelines of the Office Circular No.7 of 2021-2022 will be followed.

In view of the aforesaid submissions, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to act strictly in accordance with the provision of Section 412A and the guidelines as mentioned in the Office Circular No.7 of 2021-2022 dated 22nd November, 2021.

The writ petition accordingly stands disposed of.

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

(AMRITA SINHA, J.)