

WPO No.2305 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

CHAMPA BOSE & ANR.
Vs.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 6th July, 2022.

Appearance:
Mr. Nirmalya Dasgupta, Adv.
Mr. Dibanath Dey, Adv.
Ms. Pallavi Pain, Adv.
...for Petitioners.

Mr. Alok Kumar Ghosh, Adv.
Ms. Era Ghose, Adv.
...for KMC.

The Court:-The premises of the petitioners being 30A, Ratan Babu Road, Kolkata-700002 has been enlisted as Grade-I Heritage property vide MIC resolution dated 10th March, 2018. The petitioners are aggrieved by the same.

The petitioners submit that the condition of the building is such that immediate renovation and repairing is required to save the property from further damage.

The petitioners applied before the Kolkata Municipal Corporation praying for permission to repair the same in August, 2016. Petitioners forwarded several reminders and allege that the same has not been taken up for consideration till date.

Prayer of the petitioners for separation of the aforesaid premises has also been cancelled and intimated to the petitioners by a communication dated 18th April, 2018 on the ground that the premises to be separated is a Grade-I Heritage property.

Learned Advocate representing the Kolkata Municipal Corporation submits that the petitioners were made aware of the fact that the property was enlisted as Grade-I Heritage property way back in April, 2018. Petitioners never raised any objection to the same. Resolution of the MIC Kolkata Municipal Corporation was adopted on 10th March, 2018 and the petitioners became aware of the fact that the building has been enlisted as Grade-I Heritage property in April, 2018. Petitioners waited till June, 2022 for filing the present writ application.

It appears from the submissions made on behalf of both the parties that the petitioners claim to be aggrieved by the enlistment of their property as Heritage property Grade-I, but the petitioners never applied before the concerned authority for removal of the said property from the list of the Heritage property Grade-I. The petitioners merely applied for separation and permission to repair, that too, before an authority who is not competent to take a decision with regard to Heritage property.

In view of the above, leave is granted to the petitioners to apply before the appropriate authority of the Kolkata Municipal Corporation highlighting their grievances and the relief sought for by them.

The petitioners will be at liberty to forward all necessary documents in support of their claim that the property ought not to be incorporated in the list of Grade-I Heritage property.

In the event, an application is made by the petitioners, the same shall be taken into consideration by the Heritage Conservation Committee of the Kolkata Municipal Corporation strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of submission of the representation along with all supporting documents. The said authority shall

afford an opportunity of hearing to the petitioners or their representative prior to passing a final order in the matter.

Writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

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

(AMRITA SINHA, J.)

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