

ORDER SHEET

WPO 2393 of 2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

R. K. P. UDYOG LIMITED & ANR.
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 31st August, 2022

Mr. Chayan Gupta, Mr. Rittick Chowdhury, Mr. K. N. Jana,
Advocates for the petitioners.

Mr. Subhrangsu Panda, Ms. I. Bhattacharyya, Advocates for K.M.C.

Mr. Debjit Mukherjee, Ms. Susmita Chatterjee, Advocates for the State.

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

The petitioners pray for consideration of the representation filed before the respondent Corporation on 1st June, 2022.

The Kolkata Municipal Corporation has filed a report before this Court signed by the Sub Assistant Engineer (Civil), Assistant Engineer (Civil) and the Executive Engineer (Civil)/B/Borough-IV & V which mentions that on inspection it was found that the old dilapidated building occupied by some tenants at the premises no.214, Chittaranjan Avenue, Ward No.25,

Borough-IV is not in a good state. The department has also fixed the board of dangerous building and the existing building is in a very ruinous state.

The Kolkata Municipal Corporation, Building Department has served notice under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 on 13th May, 2022 and notice under Section 411(2) has been served on 24th May, 2022. Notice under Section 411(3) of the Act has been issued and the Police Station has been intimated on 30th August, 2022.

On a perusal of the report that is before the Court it appears that the building is indeed not in a very good state.

In view of the above, the concerned authority of the Kolkata Municipal Corporation is directed to take steps to consider the representation filed by the petitioners dated 1st June, 2022, strictly in accordance with law, after giving reasonable opportunity of hearing to all the parties, at the earliest, but positively within a period of twelve weeks from the date of communication of this order. The respondent authorities shall pass a reasoned order and communicate the same to the parties immediately thereafter.

In the event the Corporation is unable to trace out the occupiers of the said premises, then notice of hearing may be pasted on the walls of the said building at conspicuous places so that the occupiers of the said building get notice of the hearing that will be conducted by the Corporation.

The writ petition stands disposed of.

The instruction given by the Officer-in-Charge, Girish Park Police Station dated 23rd August, 2022 and the report by the Kolkata Municipal Corporation be retained with the records.

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

(AMRITA SINHA, J.)