

OD-3

ORDER SHEET

WPO No.3053 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

JUMMI BIBI & ORS.
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 15th December, 2022.

Appearance:
Mr. Rajdeep Bhattacharya, Mr. Imtiaz Ali Lodhi, Advocates
for Petitioners.

Mr. Debjit Mukherjee, Mr. Debasish Kar, Advocates for KMC.

Mr. Tarique Quasimuddin, Mr. Nasir Quasimuddin,
Mrs. Zainab Tahur, Advocates for Respondent Nos. 7 & 8.

Ms. Anjusri Mukherjee, Advocate for the State-Respondent.

The Court:-The issue in question was taken up for consideration by the Deputy Chief Engineer (Civil)/Building/North), Building Department, Kolkata Municipal Corporation on 9th December, 2022 and after hearing both the parties an order has been passed. Copy of the order has been handed over to the learned advocates appearing on behalf of both the parties.

The petitioners have agreed to the proposal of the private respondents/owners that if they are provided with equivalent space, then they do not have any objection if the existing structure is demolished and a new structure is made thereat. The same is recorded in the order dated 9th December, 2022.

The parties are directed to act in accordance with the order dated 9th December, 2022 passed by the Deputy Chief Engineer (Civil)/Building/North), Building Department, Kolkata Municipal Corporation.

Learned advocate representing the respondent nos.7 & 8 undertakes, upon instruction, that the petitioners will be reinstated in the second floor of the newly constructed structure in more or less equivalent area which the petitioners are presently occupying. The said rehabilitation will be without prejudice to the rights and contentions of either of the parties.

The writ petition stands disposed of.

Order dated 9th December, 2022 passed by the Deputy Chief Engineer (Civil)/Building/North), Building Department, Kolkata Municipal Corporation, filed in Court today is retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(AMRITA SINHA, J.)