

20.03.2023
Item No. 65
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 525 of 2023

**Ashima Khatoon
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Giasul Islam
...For the Petitioner.**

**Mr. Bishwambhar Jha,
... For the respondent No. 5.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
...For KMC.**

**Ms. Shraboni Sarkar,
Ms. Debapriya Chatterjee,
...For State**

The petitioner alleges that the premises adjoining the premises of the petitioner is in an absolute dilapidated condition and may collapse at any moment causing loss of valuable life and property.

The private respondent is not taking any steps either to maintain the subject premises or to demolish the dilapidated structure.

From a report filed by the Executive Engineer (Civil)/Building Department, Borough -IX of the KMC signed on 10.01.2023, it appears that departmental inspection revealed that the G+1 storied building is worsening day by day due to negligence to repair and maintenance of the same. Iron bars were also exposed in concrete slab and Chajja. The building is in a vulnerable condition causing a threat of collapse.

The Corporation issued notice under Section 411 (1) of the KMC Act, 1980 upon the owner and occupier of the subject premises way back on 17.08.2020.

None appears on behalf of the private respondent.

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

As it appears from the report forwarded by the KMC that the condition of the building is extremely dangerous and may result in accident causing loss of valuable life and property and the owner and occupier of the said premises is not taking steps in response to the notice issued under Section 411 (1) of the KMC Act, 1980, accordingly, it will be open for the Corporation to take necessary consequential steps in the matter.

The Corporation shall ensure that consequential steps are taken at the earliest to prevent loss of life and property.

The writ petition 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.)