

18
17.04.2023
d.p.

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

W.P.A 4664 of 2023

**Rajendra Singh Sabharwal
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Uday Narayan Betal,
Mr. Bhaskar Hutait.
...For the Petitioner.**

**Mr. Gurudas Mitra,
Mr. Dwijadas Chakraborty.
...For KMC.**

**Mr. Jaharlal De,
Mr. Rudranil De.
...For the State.**

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

The petitioner complains that the Corporation has not taken any steps pursuant to the direction passed by this Court on 26th November, 2021 in WPA 18133 of 2021.

The aforesaid contention of the petitioner is denied by the learned advocate appearing for the Kolkata Municipal Corporation and the private respondent nos. 11 and 12.

A copy of the order dated 17th March, 2022 passed by the Executive Engineer (Civil), Building, Borough-VII, Kolkata Municipal Corporation has been placed before this Court.

It appears therefrom that in compliance of the direction passed by the Court, a hearing was conducted on 17th December, 2021 and order was passed on 17th March, 2022 by holding that the repairing work, renovation of the parapet wall and roof and fixing up of two rolling shutters and removal of the internal walls do not fall within the purview of illegal construction. The owner or occupier of the building is not under any obligation to take any permission for making any such repairing work.

The allegation of the petitioner of unauthorized construction was not entertained.

As it appears that final order has been passed in the matter rejecting the prayer of the petitioner, accordingly, it will be open for the petitioner to take necessary steps to challenge the said order, if so advised.

Learned advocate appearing for the petitioner submits that copy of the order was not forwarded to the petitioner.

The concerned Executive Engineer is directed to immediately forward a copy of the order dated 17th March, 2022 to the petitioner.

Let a copy of the order dated 17th March, 2022 be retained with the records.

In view of the above, no further order can be passed in the instant case.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)