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15.06.2023
d.p.

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

W.P.A 6508 of 2022

**Subir Roy & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya.
...For the Petitioners.**

**Mr. Bratin Kumar Dey,
Mr. Arun Goswami,
Ms. Mahasweta Pramanik.
...For the Respondent
No. 5.**

**Mr. Srijan Nayek,
Ms. Rituparna Maitra.
...For KMC.**

The matter relates to the premises no. 1, Sourin Roy Road, Ward No. 120, Borough-XIII under jurisdiction of the Kolkata Municipal Corporation.

It appears that the Corporation issued a notice under Section 411 (1) of the Kolkata Municipal Corporation Act, 1980 upon the occupiers of the subject premises.

The petitioners claim to be the landlord of the subject property.

An affidavit has been filed by the petitioners disclosing that there are 13 tenants in the subject

premises and the area occupied by each tenant is also mentioned.

The petitioners have filed the details of the tenants before the Executive Engineer of the concerned Borough.

The petitioners pray for a direction upon the Kolkata Municipal Corporation to take consequential steps in the matter.

Learned advocate appearing for the private respondent happens to be one of the tenants in the subject premises.

It appears that a suit for eviction is pending between the landlord and the tenant before the Learned Civil Judge being Title Suit No. 1270 of 2018.

Learned advocate appearing for the private respondent submits that the private respondent will be agreeable to the existing structure being demolished and a new construction being made thereon subject, however, to the equivalent accommodation being provided to the tenant in the proposed construction and the rental amount be paid by the landlord to the tenant as compensation for the period during which the private respondent will remain out of occupation of the tenanted portion.

Learned advocate appearing for the Kolkata Municipal Corporation has produced a report from the Assistant Engineer (Civil) and the Executive Engineer (Civil), Borough- 13 and 14 signed on 10th June, 2023.

The said report is taken on record.

It appears that the petitioners have already filed documents before the Executive Engineer giving details of the tenants and the corresponding area that they are occupying. A building plan proposal is pending consideration at the end of the Corporation.

It will be open for the Corporation to take necessary steps in the matter in accordance with law.

The Executive Engineer is directed to intimate the petitioners the formalities that are required to be complied with for the purpose of obtaining sanction of the building plan in respect of the proposed construction.

Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)