

**In The High Court At Calcutta
Special Civil Jurisdiction
Appellate Side**

WPA 7712 of 2023

**Santosh Das & Ors.
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Tanmoy Mukherjee,
Mr. Sounak Bhattacharjee,
Mr. Amal Kumer Saha,
Ms. Irish Paul,
Mr. K. Raihan Ahmed.
... For the petitioners.**

**Mr. Fazlul Haque,
Mr. Debangshu Mondal.
...For the KMC.**

None represents the private respondents. The envelope containing the writ petition sought to be served upon the private respondents have come back unserved with the postal endorsement 'refused'.

Affidavit of service be taken on record.

The petitioners complain of inaction on the part of the KMC in taking steps to clean and remove the blockage from the drains so that hygiene is maintained.

The petitioners refer to an order passed by this Court on an earlier occasion on 16th May, 2016 in WP No. 29520 (W) of 2015 (Karunabala Das & ors. -vs- The Kolkata Municipal Corporation & Ors.) where the Court directed the Corporation to immediately take steps and compel the owners or the area colony committee to take steps so that there are proper drains and public nuisance is not created.

The petitioners submit that position is such that sewage and dirty water is overflowing from the drains and the entire area is filled with stench. There are chances of infection and breeding of mosquitoes. Complaint was lodged before the Corporation but the same is yet to be considered.

It appears from the notice demanding justice annexed to the writ petition that the same does not bear any proof of service upon the Corporation. Accordingly, the prayer made by the petitioners for consideration of the representation cannot be allowed.

It will be open for the petitioners to forward the notice demanding justice to the Corporation. On receipt of the same, the Corporation shall consider and dispose of the notice demanding justice at the earliest, but positively within a period of four weeks from the date of communication of this order.

The Corporation is directed to find out a permanent solution to the problem as the same concerns the health and hygiene of the entire locality. Regular inspections ought to be conducted to ensure that the drains are properly maintained and are not blocked leading to spillage of water.

The Corporation may take steps to prosecute any person who may be responsible for blocking the drains or who may be responsible for not maintaining the drains in proper condition.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)