

Ct. 24
Item No.20
27.06.2023
(Suvendu)

**WPA 8513 OF 2023
With
CAN 2 OF 2023**

**Shipra Lodh & Ors.
Vs.
The Kolkata Municipal Corporation & Ors.**

Mr. Jagabandhu Ray
Mr. Rudranil Dey
Mr. Santimay Bhattacharyya
...for the petitioners

Mr. Srijan Nayak
Ms. Rituparna Maitra
.....for the KMC

Mr. Arindam Banerjee
Ms. Piyali Sengupta
Mr. Nikunj Berliah
..for the respondent nos. 8-12

Mr. Rama Prasad Sarkar
Ms. Anita Deb
.....for the State

The affidavit-in-exception filed on behalf of the petitioners in Court today is taken on record.

In the inspection report filed by the Kolkata Municipal Corporation on 15th May, 2023 a table is inserted wherefrom it appears that the side open space between the premises of the petitioners and the construction made by the private respondents is 1.66. meters.

According to the petitioners, the aforesaid figure is incorrect. The open space is actually less than 1.66 meters. However, the petitioners submit that if the aforesaid 1.66 meter is maintained by the private respondents then the petitioners will not raise any further objection.

The petitioners further mention that because of the construction made by the private respondents, the one storied thika structure of the petitioners is being damaged. The petitioners pray for a direction upon the private respondents to repair the damaged portion.

Learned advocate representing the private respondents submits that the open space that is mentioned in the table shall be maintained throughout. It has further been mentioned that construction is being made in accordance with the sanctioned plan.

The private respondents deny that the damage caused to the construction of the petitioners is because of the ongoing construction made by the private respondents. However, it has been submitted that necessary repairs shall be effected in the damaged portion of the construction of the petitioners.

In view of the above, the instant writ petition is disposed of by directing the private respondents to strictly maintain 1.66 meters in between the two premises as reflected in the table filed by the Kolkata Municipal Corporation. The private respondents will also take steps to make effective repairs to the damages caused in the construction of the petitioners.

The petitioners are directed to cooperate with the men and agents of the private respondents at the time of the repairing work.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)