

Item No.9

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

07.07.2023
Ct-24

WPA 8785 of 2023
Dilip Kumar Saha

v.

Kolkata Municipal Corporation & Ors.

Mr. Abhijit Chakraborty
... for the petitioner.

Mr. Tapan Kumar Dey
Ms. Tanushree Das Gupta
... for KMC.

The hoarding of the petitioner was dismantled by the Kolkata Municipal Corporation as the same was beyond the prescribed dimension.

The petitioner was afforded opportunity to dismantle the said hoarding. On the failure of the petitioner to do the needful, the Kolkata Municipal Corporation in exercise of power conferred under Section 208 of the Kolkata Municipal Corporation Act, 1980 dismantled and removed the said hoarding.

Learned advocate for the petitioner submits that the materials of the petitioner which were there at the time of dismantling the hoarding have been taken away by the Kolkata Municipal Corporation. The petitioner prays that the materials and goods be returned to him. A further prayer has been made to allow the petitioner to set up a bigger hoarding.

A report has been placed before this Court by the learned advocate representing the Kolkata Municipal

Corporation signed by the Assistant Manager, Deputy Manager and Manager, Advertisement Department, Kolkata Municipal Corporation on July 1, 2023 mentioning that the dismantling took place in December 2022.

The report further mentions that on dismantling the Kolkata Municipal Corporation reserves the right to realize the cost for removal and storage of such hoarding from the person who owns the same.

From the submissions made on behalf of the parties and upon perusal of the documents annexed to the writ petition and the report filed in Court today it appears that the petitioner has already made a prayer before the Chief Manager, Advertisement Department seeking return of the articles which were taken in custody at the time of demolition of the hoarding. The said representation is pending consideration.

The petitioner also seeks for a direction for permitting the petitioner to set up a bigger hoarding.

The instant writ petition is disposed of by granting leave to the petitioner to file appropriate representation highlighting his prayer for return of the goods and articles of the hoarding which was dismantled and to make appropriate prayer for permitting setting up of a bigger hoarding.

In the event such a representation is filed before the advertisement department, the same shall be taken up for consideration in accordance with law after giving reasonable opportunity of hearing to the petitioner.

The said representation shall be disposed of at the earliest by passing a reasoned order and communicating the same to the petitioner.

The writ petition stands disposed of.

The report filed by the KMC is taken on record.

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

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(Amrita Sinha, J.)