

Item No. 9

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.01.2023
Ct-24

WPA 8741 of 2022
Subhas Jadav & Ors.

v.

Kolkata Municipal Corporation & Ors.

Mr. Mahim Sasmal
... for the petitioners.

Mr. Alok Kumar Ghosh
Mr. Swapan Kumar Debnath
... for KMC.

Individual report by the Director General (Building), KMC and Director General (Civil), O.S.D. & E.O., KMC has been filed in Court today. The same are taken on record.

On a perusal of the same it appears that the building in question was duly inspected by both the Director General (Building) and the Director General (Civil) on December 3, 2022 and after thorough inspection of the building from the ground floor to the top floor it was observed that the building is absolutely in a ruinous state and the structural health of the building cannot be restored through repairing work.

At one stage a notice under Section 411(2) of the Act was issued. The Officer-in-Charge, Barabazar Police Station, by a communication dated October 17, 2022, intimated the Corporation that the building may collapse any time causing loss of life and property of the inmates and the public in general.

The building was constructed more than 100 years back. Several additions, alterations took place without proper planning. Superficial repairing works had been done in different time without considering the structural stability of the building. The portion of the building in which the Kolkata Municipal Corporation as a tenant in the third floor is not in use because of the ruinous condition of the building.

The Corporation has decided to invoke Section 412A of the Act and proposal in this regard has been made and approved by the Deputy Chief Engineer (C), North on December 6, 2022. As a consequence thereof the notice to owners and the occupiers of the building will be issued declaring the building as condemned under the provisions of Section 412A of the Act.

From the aforesaid it appears that the structural stability of the building is such that the same cannot be restored even after repairing.

Accordingly, the Corporation is directed to take prompt necessary steps to take the follow up actions consequent to invocation of Section 412A of the Act and ensure that the inmates of the building are removed at the earliest to avoid loss of valuable life and property.

The writ petition stands disposed of.

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.)