

10-10-2023
Item No.47
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.10600 of 2023
Mansura Bibi

-vs-

The Kolkata Municipal Corporation & Ors.

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
Ms. Neha Singh ...for the petitioner

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

The petitioner seeks compensation on account of accidental death of her husband caused due to negligence on the part of the Kolkata Municipal Corporation. The Corporation denies the allegation of the petitioner.

In an earlier writ petition being WPA No.16882 of 2022 filed by the petitioner praying for the same relief, this court by its order dated November 21, 2022 granted leave to the petitioner to approach the appropriate forum for remedy. Relying on the said order, she approached the Mayor of the Corporation seeking compensation. But to no effect. Hence this writ petition.

Upon hearing the parties and upon perusal of the materials on record, I am of the view that the Mayor of the Corporation is not the appropriate authority to grant the relief sought for by the petitioner. There are several disputed questions of facts which are required to be adjudicated upon taking evidence.

In view of the above, the prayer of the petitioner directing the Mayor for consideration of her representation cannot be allowed. The writ petition fails and is hereby dismissed.

However, the petitioner is at liberty to approach the competent forum for remedy.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]