

08
11.01.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 11455 of 2022

**Milap Roadways Pvt. Ltd. & Ors.
-versus
The Kolkata Municipal Corporation & Ors.**

With

W.P.A 18168 of 2022

**Mitesh Banka & Ors.
-versus-
The Commissioner & Ors.**

With

W.P.A 12478 of 2022

**Sachin Ahuja
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Imtiaz Ahmed,
Ms. Ghazala Firdaus,
Mr. Md. Zeeshanuddin,
Ms. Amrin Khatoon,
Md. Arsalan.**

**...For the Petitioners
in WPA 11455 of 2022 and
in WPA 12478 of 2022 and
Respondent No. 6 in in
WPA 18168 of 2022**

**Mr. Mahendra Prasad Gupta,
Mr. Ayan Mitra,
Mr. Chandan Mondal,
Ms. Antara Panja.**

**... For the Petitioners
in WPA 18168 of 2022.**

**Mr. Arijit Dey,
Mr. Ananda Farmania.
...For KMC**

**in WPA 11455 of 2022 and
in WPA 18168 of 2022**

**Mr. Ranajit Chatterjee,
Ms. Poushali Banerjee.**

**...For KMC in
in WPA 12478 of 2022**

**Mr. Himadri Sikhar Chakraborty,
Ms. Susnita Saha.**

**...For the State
in WPA 18168 of 2022.**

The report filed by the Assistant Engineer (Civil) and the Executive Engineer (Civil)/Building Department, Borough- IV and V dated 5th December, 2022 mentions that during the spot inspection, M/s. Milap Road Ways and M/s. Om Sai Ram were found to occupy 1034 sq.ft. and 271 sq.ft. respectively in the ground floor of the subject premises.

The landlords of the premises intend to raise a new construction thereon by demolishing the old dilapidated structure presently standing.

The landlords have agreed to provide accommodation to the tenants/occupiers subject to the result of the pending Title Suit.

In view of the above, the present writ petition stands disposed of by granting liberty to the landlords to take steps in accordance with law for demolition of the old structure and for raising new construction thereon.

The plan proposal to be submitted by the landlords shall clearly earmark the area kept aside for the tenants/occupiers.

The tenants/occupiers of the said premises shall be put back in possession of their tenanted/occupied portion subject to the result of the Title Suit No. 1307 of 2021 pending before the 12th Bench, City Civil Court at Calcutta.

All the above writ petitions stand disposed of.

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

(Amrita Sinha, J.)