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31.01.2023
d.p.

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

**W.P.A 14802 of 2022
With
CAN 1 of 2023**

**Sumanta Prasad Ghosh
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Malay Bhattacharya,
Ms. Sheta Mondal.
...For the Petitioner.**

**Ms. Joyeeta Sinha,
Mr. Sandip Mandal.
...For the State.**

**Mr. Fazlul Haque,
Mr. Swapan Kumar Debnath.
...For KMC.**

**Mr. Shyamal Chakraborty,
Mr. D. Mondal.
...For the Applicants.**

On a perusal of the report by the engineers of the Kolkata Municipal Corporation signed on 2nd December, 2022, it appears that in response to the notice issued under Section 411(2) of the Kolkata Municipal Corporation Act, 1980, the dangerous portion of the building has been repaired.

The petitioner, claiming to be the owner of the property in question, submits that the repairing was done without his consent and beyond his knowledge.

An issue has been raised with regard to the manner and nature of the repairing work done at the instance of the occupiers.

The applicants claiming themselves to be the occupiers contend that the repairing work has been done in the proper manner.

The petitioner prays for a direction upon the Corporation to inspect the alleged repairing work done at the instance of the occupiers and thereafter take a decision to invoke the provision of Section 412A of the KMC Act, 1980.

The Court is of the opinion that as the present prayer of the petitioner is not in line with the prayers made in the writ petition, it will not be proper to entertain the present prayer.

It will be open for the petitioner to file appropriate representation before the Kolkata Municipal Corporation along with supporting documents to highlight his grievances.

The writ petition and the connected application 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.)