

Item No. 12

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

09.10.2023
Ct-24

WPA 16159 of 2023
Md. Wasim Khan & Anr.

v.

The Kolkata Municipal Corporation & Ors.

Mr. Abbas Ibrahim Khan
Ms. Meena Shabnak
... for the petitioners.

Ms. Pooja Shukla
Mr. Deborshi Brahma
... for the respondent nos. 7 & 8.

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
... for the State.

Mr. Srijan Nayak
Mr. Atis Kumar Biswas
Ms. Susmita Chatterjee
Mr. Abhishek Sikdar
... for KMC.

The matter relates to premises no. 78/3, Phears Lane, Ward No. 44 Borough-V under the Kolkata Municipal Corporation.

The petitioners claim to be owners of the subject property. The building in question is an old one and according to the petitioners the same is beyond repairs.

The petitioners initially obtained the building sanctioned plan for reconstruction of portions of the subject structure, but at the time of the reconstruction it was found that the building cannot be repaired, the same is required to be demolished.

For raising new construction the petitioners have applied before the Kolkata Municipal Corporation seeking permission for demolition but the same is alleged to be kept pending.

Learned advocate representing the private respondents who are the tenants of the subject property submits, upon instruction that, the whole idea is to evict the tenants without the due process of law. The tenants do not have any objection to raising the new construction subject to rehabilitation and rent compensation being paid to them.

The engineers of the Kolkata Municipal Corporation have filed a report before this Court wherefrom it appears that the building in question is old and in a dilapidated condition.

The application of the petitioners seeking permission for demolition is pending consideration before the Corporation.

The Executive Engineer of Borough-V is directed to consider the same in accordance with law after giving reasonable opportunity of hearing to the petitioners and all other necessary parties including the private respondents herein.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Executive Engineer is directed to conduct a spot inspection upon prior notice to all the necessary parties to ascertain the exact condition of the building prior to passing a final order in the matter.

Learned advocate for the petitioners is directed to forward a copy of the representation dated June 1, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

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.)