

D/L. 30.
October 17, 2023.
MNS.

WPA No. 21136 of 2023

Vivek Saraogi
Vs.
The State of West Bengal and others

Mr. Jaydip Kar,
Mr. Siddhartha Banerjee,
Mr. Shaunak Ghosh,
Mr. Rajib Mullick,
Ms. Ayantika Saha

... for the petitioner.

Mr. Suman Ghosh,
Ms. Munmun Tewary

...for the State.

Mr. Saptansu Basu,
Ms. Hasnuhana Chakraborty,
Ms. M. Majumdar,
Ms. Moumita Bhattacharya

...for the respondent no. 6.

Mr. Chayan Gupta,
Mr. Shoham Sanyal,
Mr. Dwip Raj Basu

...for the respondent no. 7.

1. Affidavit-of-service filed in Court today be kept on record.
2. The report filed by the State be also kept on record.
3. It is revealed from the report that during inspection it was observed that two principal stair cases of the said building terminated at

the roof level without obstructing upper floors and with no permanent blockage at roof towards fire escape. Further it is found that the rooftop is mostly open to sky but a few constructions, that is, iron beam structures is under progress. The report further mentions that entire compliance of fire and life safety requirement recommended by the concerned Directorate during issuance of revised fire safety recommendation would be ensured on receipt of application for fire safety certificate as per the Divisional Fire Officer, Fire Prevention Wing, West Bengal Fire and Emergency Services, author of the said report.

4. The petitioner contends that the private respondents are attempting to operate a restaurant on the terrace adjacent to the petitioner's flat unlawfully.
5. Learned senior counsel appearing for the private respondent no. 6 contends that the said apprehension is premature and the private respondent undertakes to comply with all requirements of law prior to starting the restaurant business.

6. In view of such undertaking, no further relief is required to be granted in the writ petition.
7. Nothing in the above observations, however, shall preclude the parties from urging their respective contentions in the pending civil suit, if any.
8. Accordingly, WPA No. 21136 of 2023 is disposed of in the light of the above observations, by taking note of the above undertaking, without any order as to costs.
9. Since no affidavits and rejoinder have been invited by the court, it is deemed that none of the allegations made in the writ petition as well as the report are admitted respectively by the contesting parties.
10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)