

04
09.10.2023
d.p.

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

W.P.A 21991 of 2023

**Gopal Chandra Saha & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Rabiul Islam,
Mr. Raja Mondal,
Mr. K.M. Hossain,
Mr. Jayed Hossain,
Ms. Keya Sutradhar.
...For the Petitioners.**

**Mr. Lalit Mohan Mahata,
Mr. Jagabandhu Ray.
...For the State.**

**Mr. Subhrangshu Panda,
Ms. Suranjana De Sarkar.
...For KMC.**

**Mr. Kashinath De.
...For the Respondent No.6.**

Pursuant to the direction passed by the Court, an inspection was conducted in the presence of both the parties.

A report has been filed by the engineers of the Corporation which mentions that it was apparently viewed that two stair case landing, toilets, kitchen etc. of the premises no. 38 & 40, Dhiren Dhar Sarani are resting on the existing wall of the premises no. 42A, Dhiren Dhar Sarani.

It was noted that the structures were constructed long back. Demolition of the existing vertical walls of

the existing building of premises no. 42A will cause damage to the existing stair case landing, toilets, kitchen etc.

Learned advocate appearing for the private respondent submits, upon instructions, that the private respondent is agreeable to construct a separate wall for supporting the existing structures of the petitioners.

After hearing all the parties and upon perusal of the materials on record it appears that permitting the private respondent to demolish the supporting wall will cause serious prejudice to the petitioners. Accordingly, the Court directs that the wall which the private respondent seeks to demolish shall not be demolished till a separate wall as submitted by the learned advocate appearing for the private respondent is constructed.

In the event there is no supporting wall between the structure of the petitioners and the premises no. 42A, Dhiren Dhar Sarani, then the existing wall shall not be demolished.

Any work of demolition shall be conducted in the presence and under strict supervision of the empanelled structural engineer/ licensed building surveyor of the Kolkata Municipal Corporation.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)