

Ct. 24
Item No.14
25.09.2023
A.G.M.

WPA 22316 OF 2023

**Gobindo Das & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Arkadyuti Pahari
Mr. Arun Pahari
Mr. Biswanath Samanta
Mr. Kaustav Das
Mr. Gaurav Dhar

....for the petitioners

Mr. Srijan Nayak
Ms. Rituparna Maitra

...for the KMC

Mr. Abhishek Sikdar

...for the respondent nos. 8 & 9

Mr. Aniruddha Mitra

...for the respondent no. 7.

A report has been filed prepared by the engineers of the KMC signed on 21st September, 2023.

Copy of the report has been circulated amongst all the parties.

It appears therefrom that during routine inspection it was found that partly two and partly three storied very old brick built residential building existed at 26A, Paddapukur Road, Ward No. 70, Borough No, VIII of the Corporation. As the building was found in very ruinous and dilapidated condition, notice under Section 411(1) of the KMC Act, 1980 was served upon the occupiers on 8th August, 2023 for demolishing the dangerous portions and for

securing and repairing the rest portion. A caution board was also fixed.

On 2nd September, 2023 South West portion of the first floor of the building in the front side collapsed. The collapsed portion was lying vacant. Few other portions found to be dangerous/dilapidated was demolished by the Corporation to prevent accident and harm to the nearby people and the pedestrians.

On 4th September, 2023, the petitioner No. 1 applied before the Executive Engineer (Civil)/Building to record his name in the inspection book for protection of his tenancy right in terms of Office Circular no. 9 of 2023-24 dated 17th August, 2023.

The Department inspected the premises once again on 7th September, 2023 in presence of the petitioners. The petitioners identified the portion which was occupied by them but it appears that the said portion already collapsed. On local inquiry it was learnt that the petitioners left the possession of the ground floor because of the dilapidated condition of the said portion.

From the report filed by the Corporation it appears that the structural health of the said building appears to be very poor. The structure is ruinous and in dilapidated condition. Portions have already fallen off.

Petitioners claim to be shebait/tenant of the subject premises.

It will be open for the petitioners to ventilate their grievance before the appropriate forum for preservation of their tenancy right.

The Corporation does not have any authority and/or jurisdiction to decide the tenancy right of the parties.

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.

(Amrita Sinha, J.)