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ORDER SHEET

WPO No.710 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI SOMESH CHANDRA BHATTACHARYYA
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:10th May, 2023.

Appearance:
Mr. Deep Narayan Mukherjee, Adv.
Mr. Debayan Ghosh, Adv.
...for Petitioner.

Ms. Sima Chakraborty, Adv.
Mr. Gopal Chandara Das, Adv.
...for KMC.

The Court:-A writing of the Chartered Engineer who is also enrolled as structure engineer in NKDA has been placed before this Court by the learned advocate representing the petitioner.

It appears therefrom that on 04.05.2023 a demolition work was initiated and concluded successfully by demolishing all the steps of the wooden staircase but due to unavailability of iron cutter, waist slab which was made by wood and iron joist could not be dismantled. The said wooden and iron joist was seen only after removal of the steps of the wooden staircase. A wooden cupboard has been placed which is beneath the hole in the concrete ceiling. For the purpose of reconstruction of the ceiling the cupboard is required to be removed.

Petitioner would be at liberty to remove the wooden cupboard for the purpose of reconstruction of the ceiling in room no.1 of the ground floor.

By order dated 12.04.2023 the Court directed the Officer-in-Charge of the jurisdictional police station to render all necessary help and assistance to the petitioner at the time to demolition of the unauthorized staircase.

It has been submitted by the learned advocate representing the petitioner that at the time of demolition resistance was made by the person responsible for making such unauthorized construction.

Prayer has been made to direct the police to render all necessary assistance at the time of reconstruction. To prevent any untoward incident at the time of reconstruction, prayer of the petitioner seeking police assistance is allowed.

Officer-in-Charge of Taltala Police Station is directed to render all necessary help and assistance to the petitioner at the time of reconstruction of the ceiling and at the time of dismantling the waist slab and iron joist.

The writ petition stands disposed of with liberty to mention in the event interference of the Court is required at any stage.

Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)