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ORDER SHEET
WPO No.864 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

D. R. PAROLIA AND SONS & ORS.
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:28th June, 2023.

Appearance:
Mr. Sarosij Dasgupta, Adv.
Mr. Biswaroop Mukherjee, Adv.
Ms. Saheli Bose, Adv.
...for Petitioners.

Mr. Gopal Chandra Das, Adv.
Mr. Subhrangsu Panda, Adv.
...for KMC.

Mr. Gautam Das, Adv.
Mr. Sandeep Kr. Tiwari, Adv.
...for Respondent No.8.

Mr. Manoj Malhotra, Adv.
Mr. Sabyasachi Mondal, Adv.
...for the State.

The Court:-Mr. Shantanu Dutta, Executive Engineer (Civil)/ Building, Borough- IV & V of the Kolkata Municipal Corporation is personally present in Court today. His personal appearance is dispensed with.

Affidavit-in-opposition filed on behalf of the private respondent and the report in the form of affidavit filed by the Kolkata Municipal Corporation be retained with the records.

The petitioners filed the instant writ petition on the apprehension that the private respondent being the landlord of the subject premises may demolish the condemned building standing thereon depriving the right of the petitioners, who claim to be the tenants of the subject property.

Upon hearing the submissions made on behalf of all the parties and on perusal of the averments made on record, it appears that the landlord has not taken any steps, as of now, for submitting plan proposal for obtaining sanction for raising construction. The building is standing as it is.

Learned advocate for the Corporation submits, upon instruction that, no plan proposal has yet been submitted by the landlord for obtaining sanctioned plan to raise construction.

From the aforesaid facts, it appears that the apprehension of the petitioners that the building will be demolished and new construction made thereon cannot be substantiated.

In view of the above, no relief can be granted to the petitioners in the instant writ petition. The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J)

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