

OD-5

ORDER SHEET
WPO No.2224 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MR. ZOEB BAXAMUSA
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:20th March, 2023.

Mr. Debjit Mukherjee, Ms. Susmita. Chatterjee, Advocates for K.M.C.

Ms. Tanushree Dasgupta, Advocate for LICl.

The Court:-None appears on behalf of the petitioner.

The existing plan in respect of the premises Nos. 9, 10 & 11, Jawaharlal Nehru Road, Kolkata has been circulated amongst the parties.

By the impugned order the Kolkata Municipal Corporation directed the owners to submit proposed plan for reconstruction.

It will be open for the owners to prepare the proposed plan and submit the same before the Kolkata Municipal Corporation.

Prior to taking a final decision in the matter, the Commissioner, Kolkata Municipal Corporation or his delegate shall afford an opportunity of hearing to all the necessary parties including the tenants and occupiers of the subject premises.

The tenants/occupiers shall be permitted to rely upon all the documents in support of their rights in the subject premises.

It will also be open for the tenants/occupiers to bring to the notice of the structural engineer to be engaged by the Life Insurance Corporation of India, the features of the existing building which may be inadvertently not being reflected in the comprehensive plan that has been prepared in respect of all the three premises.

A final order shall be passed within a period of ninety days from the date of submission of the reconstruction plan by the Life Insurance Corporation of India.

Prior to effect any demolition at the subject premises, a further notice shall be given to all the necessary parties.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)