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ORDER SHEET
WPO No.1438 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KULSUM TAYEBBHAI ZARIF & ORS.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:30th August, 2023.

Appearance:
Mr. Supratik Shyamal, Adv.
Ms. S. Dutta, Adv.
..for Petitioners.

Mr. Alak Kr. Ghosh, Adv.
Ms. Sabnam De, Adv.
... for K.M.C.

The Court:-Affidavit filed on behalf of the Kolkata Municipal Corporation is taken on record.

Contention of the Kolkata Municipal Corporation is that the premises No.17, Sagar Dutta Lane, Ward No.44, Kolkata-700073 was declared as heritage building, gradation whereof is yet to be made.

It has been mentioned that declaration and gradation of heritage buildings are done under two different sections. The petitioners are aware of the fact that the property has been declared as heritage and the petitioners themselves in the communication made to the Director General, Environment and Heritage Department way back on 6th September, 2022 mentioned that the building was declared heritage on account of the 'press and media' due to the reason of "Rosana" publication, a newspaper, that used to be printed from the said premises. The printing of the newspaper does not continue at this stage and property has been let out to outsiders.

An application was made before the Director General seeking permission to reconstruct the building after demolishing the same.

From the submissions made on behalf of both the parties, it appears that the petitioners right now intend to remove the said building from the list of heritage properties maintained by the Kolkata Municipal Corporation.

The petitioners have made application praying for permission for reconstructing the building. The said application is pending consideration till date.

In view of the above, the instant writ petition is disposed of by directing the Commissioner of the Kolkata Municipal Corporation to refer the matter to the Heritage Conservation Committee for consideration of the prayer of the petitioners in accordance with law.

An opportunity of hearing shall be given to the petitioners and an order shall be passed in the matter in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

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.)