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ORDER SHEET
WPO No.1443 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SMT. SUHASINI LOHIA
-Versus-
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:13th September, 2023.

Appearance:
Mr. Sukrit Mukherjee, Adv.
Mr. Karanjeet Sharma, Adv.
...for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Ms. Manisha Nath, Adv.
...for KMC.

Ms. Kum Kum Mukherjee, Adv.
...for Proforma Respondent Nos.5 to 28.

Mr. Paramit Pal, Adv.
...for the State.

The Court:-The matter relates to premises no.114B, Chittaranjan Avenue, Ward No.44, Borough -V under jurisdiction of the Kolkata Municipal Corporation.

The structure standing at the said premises is very old and in a distressed condition.

It appears from the report of the engineers of the Jadavpur University that corrosion related distress and permanent geometric deformations are noticed in various parts of the structure. Due to its long service life, the five storied load bearing structure has tilted in the front portion and permanent cracks are noticed along the line open to sky. Engineers of the Jadavpur University have opined that the cracks/disintegration in the old structure is vulnerable from safety point of view. Further occurrence of significant seismic force in future may deteriorate the situation from safety point of view.

It appears that the petitioner, being the owner of the subject premises, intends to demolish the existing structure and construct a new structure thereat.

The tenants, private respondents herein, oppose the same. They contend that the structure is in a repairable condition and is not required to be demolished.

As the report filed by the engineers of the Jadavpur University, engaged pursuant to the order passed by this Court, has opined that the structure in question is in a distressed condition and vulnerable from safety point of view, accordingly, safety of the inmates of the said structure ought not to be compromised in any manner.

The Commissioner of the Kolkata Municipal Corporation or his delegate is directed to take immediate steps in accordance with the provisions of Section 412A and its various sub-clauses so that the occupants of the said structure may not suffer in the event any untoward accident takes place.

Steps shall be taken in the matter after giving a reasonable opportunity of hearing to all the necessary parties.

A decision shall be arrived at the earliest but positively within a period of four months from the date of communication of this order.

As the tenants are continuously opposing the steps taken by the landlord to demolish the structure thereat, and the structural engineers of the Corporation as well as Jadavpur University have opined that the structure is not in a very stable condition, then in that event, if any accident occurs, the landlord/owner ought not be to held solely responsible for the same.

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.)