

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/110/2023
with
WPO 1330 OF 2023
IA NO:GA/1/2023

AMITAVA DE BHOWMICK AND ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE APURBA SINHA RAY

Date : August 28, 2023.

Appearance:

Mr. Kushal Chatterjee, Advocate
Mr. Rishav Manna, Advocate
Mr. Abhimanya Banerjee, Advocate
....for appellants

Mr. Biswajit Mukherjee, Advocate
Ms. Piyali Sengupta, Advocate
....for KMC

THE COURT: Read order dated August 23, 2023.

Mr. Mukherjee, learned advocate representing Kolkata Municipal Corporation (KMC), draws our attention to a document at page 71 of the application for appropriate orders, which is an inspection report in respect of

the concerned premises signed by amongst others, the Assessor Collector (South), KMC. The report reads as follows:

- *Inspection of the aforesaid premises was done on 01/06/23 by the concerned AAC and Inspector of Ward 53 and it is found that it is not physically separable. There is no separate access and not capable of independent enjoyment.*
- *Upon physical inspection it is found that it is dilapidated structure of RT Shade.*
- *As per the W.P.O No. 1330 of 2023 it is stated that the petitioners (Amitava De Bhowmick & Anr.) have become the joint owners of 1/3 rd share in respect of the aforesaid premises and therefore it is undivided share hence separation is not feasible.*

Mr. Mukherjee submits that in principle KMC is not averse to granting separate assessee number to the appellants' plot being plot 'D'. However, prior thereto, the appellants must sufficiently demarcate their plot with appropriate boundary wall and must communicate to the Corporation with precision the exact size of the said plot.

Mr. Chatterjee, learned advocate appearing for the appellants/writ petitioners, says that his client will do the needful and then approach KMC again renewing their prayer for separation of the premises. Let that be done.

We are sure that if the requirements of KMC are satisfied by the appellants, KMC will not unreasonably reject the appellants' request for separation of the premises.

No purpose will be served by keeping the appeal pending. Accordingly, the appeal and the application are disposed of.

Since we have not called for affidavits, allegations made in the application are deemed not to have been admitted by the respondents.

[ARIJIT BANERJEE, J]

[APURBA SINHA RAY, J.]

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