

OD-4

ORDER SHEET
WPO No.1565 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. NAZIM
VS.
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:8th September, 2023.

Md. Farhaduddin, Adv.
Ms. Era Ghose, Adv.
Mr. Rahul Verma, Adv.
....for the Petitioner.

Mr. Nilanjan Chatterjee, Adv.
Mrs. Debangana Dey Nayak, Adv.
... for KMC.

Mrs. Tuli Sinha, Adv.
...for the State.

The Court:-The petitioner claims to be one of the co-owners of the structure standing at premises no.281/1/1A, Bipin Behari Ganguly Street, Ward No.44 under Borough-V of the Kolkata Municipal Corporation.

A notice under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 was served upon the owner way back on 25.10.2017. No steps have been taken in response to the said notice.

The petitioner presently prays for a direction upon the Executive Engineer of the concerned Borough to act in accordance with Office Circular No.7 of 2021-2022 dated 22.11.2021 issued by the Director General (Building) of the Kolkata Municipal Corporation.

As it appears that a notice under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 was already issued in the year 2017 and the learned advocate representing the Kolkata Municipal Corporation submits that the structure is in an extremely dilapidated condition, accordingly, the Executive Engineer, Borough-V of the Kolkata Municipal Corporation is directed to take steps in accordance with the office circular mentioned hereinabove.

Notice of hearing shall be given to all the necessary parties including the co-owners, tenants, occupiers and licensee of the subject premises.

A reasoned decision shall be taken by the Executive Engineer in accordance with law at the earliest, but positively within a period of four months from the date of communication of this order. The reasoned order shall be passed and communicated to the parties immediately thereafter.

Learned advocate for the petitioner is directed to forward all supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

Writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

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

(AMRITA SINHA, J.)