

D/L 59
25.09.2024
Rohit
ct.no.15

W.P.A. 18844 of 2024

**Pinki Saha & Anr.
Versus
The Bally Municipality and others**

Mr. Jayanta Sengupta
Mr. Sarbojit Mukherjee
Mr. Sagnik Basu
Mr. Dilawar Khan
Mr. Arjun Bhajan
Mr. Soupayan Sinha Roy
...for the petitioner.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
...for the State

Mr. Sandipan Banerjee
...for Durgapur Municipal Corporation

In Re: CAN 1/24

The applicant claims to be one of co-sharers of the relevant premises. Having regard to the dispute involved in this writ petition I allow this application for addition of party.

A copy of the writ petition has been made over to the learned advocate appearing for the added respondent.

In Re: W.P.A. 18844 of 2024

By filing this writ petitioner the petitioner, who claims ownership over a building at 316, G.T. Road, P.S- Bally, P.O- Belur, Howrah- 711202, prays for an order upon the corporation to initiate a proceeding under Section 223 of the West Bengal Municipal Act, 1993 in respect of the said building.

The Corporation files a report which suggest that the relevant premises which houses multiple tenants may face a risk of accidents during the ongoing monsoon season.

The report, however, specifically does not indicate whether the building can be repaired without demolition.

In the aforesaid facts I dispose of the writ petition with a direction upon the Municipality to appoint a competent engineer and to inspect the premises once again to explore the possibility of repair of the building giving due notice to the petitioner as well as to the added respondent.

If, upon consideration of the report filed by the engineer, the Municipality is of the opinion that the relevant building can be repaired at a reasonable expense to make it fit for human habitation, it shall pass necessary orders upon the owners for

maintenance of the building in terms of Section 222 of the West Bengal Municipal Act, 1993.

If the engineer opines otherwise, the Corporation shall initiate proceedings under Section 223 of the West Bengal Municipal Act, 1993 in accordance with law.

(Kausik Chanda, J.)