

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/471/2024

SANTI NATH MANNA
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : MAY 20, 2024.

Mr. Debnath Ganguly, Adv.
Mr. Aranya Saha, Adv.
Mr. Supriyo Dutta, Adv.
....for Petitioner

Mr. Srijan Nayak, Adv.
Ms. Suranjana Dey Nayak, Adv.
....for KMC

Mr. Alak Kumar Ghosh, Adv.
Mr. Supratik Shyamal, Adv.
Ms. Sonali Sengupta, Adv.
Ms. Sabarnee Chatterjee, Adv.
... for Respondent No.7

Mr. D. Mukherjee, Adv. (VC)
...for State

The Court : The matter relates to premises Nos. 170A, 170B, 171A and 171B, presently amalgamated as No. 171B, Bidhan Sarani, Ward No.17, Kolkata Municipal Corporation.

A dilapidated structure is standing thereat. The Corporation has issued notice under Section 411(1) of the Kolkata Municipal Corporation Act,

1980. The owner of the subject property has obtained a building sanctioned plan and intends to construct a new building in place and instead of the old one.

The private respondents claiming themselves to be tenants of the subject structure are objecting to the same. A civil suit being Title Suit No.649 of 2023 is pending consideration before the City Civil Court at Calcutta.

Photographs of the structure have been annexed to show the ill-health of the structure in question.

As the private respondents have already approached the civil court for protecting of their tenancy right, accordingly, the right of the private respondents will be subject to the result of the title suit. In the meantime, as the condition of the structure is very dilapidated and it has been reported that portions have already collapsed, accordingly, it will be open for the petitioner to proceed with the demolition work and to raise construction strictly as per the sanctioned plan.

Learned Advocate representing the petitioner submits, upon instructions, that occupied portion of the private respondents will not be touched at the time of either demolition or construction.

The petitioner shall take necessary precautions at the time of demolition and construction of the new structure so that the portions occupied by the private respondents are not damaged.

Report filed by the Executive Engineer (C), (Bldg. dept.)/Br.II/KMC, signed on 18th May, 2024 and Officer-in-Charge, Burtolla Police Station, signed on 19th May, 2024 be retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)

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