

ORDER SHEET

WPO/486/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KUMARJIT KOLAY
Vs
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 12th November, 2024.

Appearance:
Mr. Amit Gupta, Adv.
Ms. Debangana Nayak, Adv.

Mr. Swapan Kr. Debnath, Adv.
Ms. Piyali Sengupta, Adv.
...for KMC

The Court: The petitioner has sought the separation of the premises located at 237L, Satin Sen Sarani, Ward No. 29, Kolkata - 700 054. The premises is recorded in the Corporation's records as "Asbestos Shed with factory and tank."

According to the Corporation's report, the area of the land measures approximately 5 Cottahs, 12 Chittaks, and 38 square feet, which is less than 500 square meters. The Corporation has taken the position that land exceeding 500 square meters requires approval from the Director of Factories or the Labour Directorate. Given that the land area in question is below 500 square meters, no such clearance is required in the present case.

The Corporation has further noted that, as the land is classified as a "tank," approval from the Environment and Heritage Department may also be necessary. The learned advocate for the petitioner contends that, in fact, no water body exists on the premises.

Notwithstanding this argument, I am of the opinion that, since the land is classified as a "tank," approval from the relevant department may still be required. The Corporation's report indicates that the file was forwarded to the Environment and Heritage Department, and the petitioner was repeatedly requested to submit a site plan to a scale of 1:2000 and a location plan to a scale of 1:4000. The petitioner, however, has failed to comply with these requests.

In light of the above facts, I dispose of this writ petition granting liberty upon the petitioner to submit the required site and location plans to the Corporation within three weeks from the date of this order. Upon submission, the Environment and Heritage Department of the Corporation shall take a decision regarding the separation of the premises in accordance with the law within one month thereafter.

Accordingly, WPO/486/2024 is disposed of.

(KAUSIK CHANDA, J.)