

ORDER SHEET
WPO/631/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

THE BOARD OF MAJOR PORT AUTHORITY FOR THE SYAMA PRASAD
MOOKERJEE PORT

VS

MUNICIPAL COMMISSIONER, KOLKATA MUNICIPAL CORPORATION AND
ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: 27th November, 2024.

Appearance:

Mr. Mainak Bose, Sr. Adv.

Mr. Subhankar Nag, Adv.

Mr. Sachin Shukla, Adv.

.... for the petitioner

Mr. Alak Kr. Ghosh, Adv.

Mr. Swapan Kr. Debnath, Adv.

...for K.M.C.

Mr. Saptangsu Basu, Sr. Adv.

Mr. Kumar Gupta, Adv.

Mr. Supratim Laha, Adv.

Mr. Binay Kumar Jain, Adv.

Mr. Piyush Jain, Adv.

...for respondent no. 6

The Court: The petitioner claims to be the owner of a building located at "A" Shed, Strand Bank Road, Jagannath Ghat, North Port, Kolkata-700001. It is undisputed that the Kolkata Municipal Corporation has issued a notice dated February 20, 2024, to the owners and occupiers of the said building under Section 411(1) of the Kolkata Municipal Corporation Act, 1980. Mr.

Moinak Bose, learned Advocate appearing for the petitioner, submits that the building is in a dilapidated condition and should be demolished immediately to ensure public safety.

On the other hand, Mr. Saptangsu Basu, learned Senior Advocate representing respondent no. 6, submits that the notice under Section 411 of the Kolkata Municipal Corporation Act, 1980, is vague, as it does not specify which part of the building requires demolition and which part may be repaired.

The Corporation has filed a report before this Court in compliance with the order dated October 1, 2024. The report indicates that respondent no. 6 occupies four godowns in the premises. The report further suggests for repair of the part of the building that is deemed structurally secured without altering the character or dimensions of the structure under the direct supervision of an empanelled structural engineer. The petitioner has expressed a willingness to bear the necessary expenses for the appointment of the structural engineer as suggested by the Corporation.

In my view, there is no need to keep the writ petition pending.

Accordingly, I dispose of the writ petition with the following directions:

The Corporation shall nominate a duly qualified structural engineer from its panel who shall inspect the premises giving due notice to the all concerned and submit a report to the Corporation, indicating whether the building requires demolition or whether repairs are feasible. Based on the

report of the engineer, Kolkata Municipal Corporation shall take necessary steps in accordance with the law. The structural engineer is directed to submit his report to the Corporation as expeditiously as possible, preferably within two months from the date of this order. The petitioner shall bear the costs associated with the inspection and report.

The affidavit filed by respondent no. 6 and the report filed by the Corporation are taken on record.

(KAUSIK CHANDA, J.)

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