

OD-3

ORDER SHEET

WPO/1792/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

LANSDOWNE MARKET BYABASAYEE SAMITY AND ANR.
Versus
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 4th April, 2022.

Appearance:

Mr. Arunava Ghosh, Sr. Adv.

Mr. Anindya Lahiri, Adv.

Mr. Puspall Chakraborty, Adv.

For the petitioners.

Mr. Purnasish Ray, Adv.

For the respondent no.8.

Mr. Biswajit Mukherjee, Adv.

Mr. Gopal Chandra Das, Adv.

For the K.M.C.

Mr. Manoj Malhotra, Adv.

Mr. Suman Dey, Adv.

For the State.

The Court:- Liberty to correct the description of the respondent no.8 in the writ petition here and now.

As the cause of action of the writ petition arose sometime in 1984 and thereafter in 1995 on the basis of an order of an Hon'ble Division Bench, this matter has to be heard on affidavits.

The Corporation and the Respondent No. 8 submit that the order of the Division Bench with regard to re-building the Lansdowne Market as per the directions of this Court was not possible due to non-

co-operation of the Byabasayee Samity, who is the petitioner no.1 before this Court.

The Corporation shall file their affidavit indicating the details of the steps taken by the Corporation as per the direction of this Court. The tender documents and the letters of allotment to the respondent no.8 shall be annexed. The respondent no.8 shall categorically state the reasons as to why the construction could not be made. In the affidavit, the respondent no. 8 shall also include documents to show that attempts had been made for construction of the market as per a tender notice. The master plan and/or drawings of the market prepared by the respondents pursuant to the order of the Division Bench shall also be produced before the Court through the affidavit. The police authority shall indicate by an affidavit as to whether the allegations of non-cooperation by the petitioner no. 1 and its members had been reported to the police or not and what steps were taken by the police authority.

Let such affidavit be filed within four weeks from date. Affidavit-in-Reply thereto, if any, be filed within two weeks thereafter.

Let the matter appear in the list on June 24, 2022.

(SHAMPA SARKAR, J)