

OD-2

ORDER SHEET

WPO/1944/2022

With

WPA/1811/2022

CAN/1/2022

With

WPA/834/2022

WPA/835/2022

WPA/838/2022

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

ORIGINAL SIDE

NIBEDITA SAHA PROPRIETOR OF SHREE

SHANKAR PAPER AND BOARD HOUSE

-VS-

KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:14th November, 2022.

Appearance:

Mr. Arindam Banerjee, Adv.

Mr. T.K. Dey, Adv.

...for Petitioner in WPO/1944/2022.

Mr. Debjit Mukherjee, Adv.

Ms. Manisha Nath, Adv.

...for KMC in WPO/1944/2022

With

WPA/834/2022

WPA/835/2022

WPA/838/2022

Mr. Biswarup Biswas, Adv.

..for Respondent Nos.6 & 7.

[In WPO/1944/2022]

Mr. Amit Gupta, Adv.

..for Respondent Nos.5 & 6.

(In WPA/1811/2022)

The Court:-The matter relates to the premises No.26, Budhu Ostagar Lane under Post Office-Raja Ram Mohan Roy Sarani, Ward No.37, Police Station-Amherst Street, Kolkata-700 009 under the jurisdiction of the Kolkata Municipal Corporation.

The petitioners/applicants are the developers of the property in question.

Respondent No.11 Jyotshna Basak @ Jyotshna Rani Basak is the owner of the said premises.

Respondent Nos.5 to 10 are the tenants of the said premises.

It appears from the submissions made on behalf of the parties that the landlord through the promoter is trying to do away with the old structure standing and construct a new building thereon.

A few of the tenants are objecting to the same.

The promoter/applicants have given an oral undertaking before this Court that they are ready and agreeable to provide the tenants their respective shares in the proposed construction.

The landlord as well as the promoter i.e. the applicants are directed to file by way of an affidavit by 18th November, 2022 the details of the tenants along with respective areas of their tenancy which the tenants are presently occupying and the area of tenancy which the promoter and landlord will provide to the tenants in the proposed construction to be made.

Let the matter appear in the list once again on 25th November, 2022 under the heading "Court Application".

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)