

OD-1

ORDER SHEET

APOT/157/2025
WITH
WPO/379/2025

IA NO: GA/1/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

LA MARTINIERE SCHOOL FOR BOYS' AND ORS
VS
KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR
AND

The Hon'ble JUSTICE SUPRATIM BHATTACHARYA
(VACATION BENCH)

Date : 5th June, 2025.

Appearance:

Mr. Rauf Rahim, Sr. Adv.(V.C)
Mr. Rohit Amit Sthalekar, Adv.
Ms. Debjani Sengupta, Adv.
Ms. Shrayashee Das, Adv.
..for the appellant nos.1 & 2

Mr. Sankalp Narain, Adv.(V.C)
Mr. B. P. Tewari, Adv.
Ms. Shrayashee Das, Adv.
Mr. Rohan Kumar Thakur, Adv.
Mr. Tridibesh Dasgupta, Adv.
..for the appellant no.3

Mr. Alak Kr. Ghosh, Adv.
Mr. Swapan Kr. Debnath, Adv.
..for KMC

Mr. Subrata Goswami, Adv.
..for Heritage Commission

The Court: Affidavit of service filed by the appellants be kept with
the records. In view of the urgency, the matter is taken up for hearing.

This application had been necessitated due to an incident which had occurred on 21 May, 2025. The petitioner no.1 and the petitioner no.2 are reputed schools. On 21 May, 2025, when the schools were closed for the summer vacation, a portion of the school building in the Boys' School had collapsed. Admittedly, there are rival groups, infighting and diverse litigation pending pertaining to the said school.

By an order dated 30th May, 2025, a Co-ordinate Bench had directed as follows:

“The appeal is taken up on an urgent basis, considering the incident which occurred on 21st May, 2025 being annexure X to the stay application. Since the School is closed for Summer Vacation and in the meantime if any repair work is found to be necessary, we direct that an inspection be carried out first by one representative from each of the appellants, KMC would be represented by two Executive Engineers (respondent no.5), the Heritage Commission may be represented by its authorised representative, as it deems fit and proper. If the urgency of the situation so calls for, the KMC and the Heritage Commission shall take necessary steps in accordance with law and will not wait for any order of the Court. Let such inspection be carried out peremptorily between 12 pm to 3 pm on 2nd June, 2025 and a report be filed accordingly.”

On behalf of the Kolkata Municipal Corporation and on behalf of the West Bengal Heritage Commission, two separate Reports are filed in Court. Copies of the Reports are circulated to all the parties.

The Kolkata Municipal Corporation seeks an opportunity to consider the Report filed by the Heritage Commission.

On examination of the report filed by the Kolkata Municipal Corporation, it appears that there has been no compliance with the order dated 30 May, 2025. By the order dated 30 May, 2025, both the Kolkata Municipal Corporation and the Heritage Commission were, *inter alia*, directed to file a report as to whether any *repair* work was found to be necessary in the respective buildings in both the schools.

It is fairly admitted on behalf of the Kolkata Municipal Corporation that the only inspection which has been carried out is in respect of a few selected rooms and not the entirety of the buildings.

In view of the above, the Kolkata Municipal Corporation is directed to file an additional report, *inter alia*, highlighting whether any repair work is necessary in either of the two schools, in terms of the order dated 30 May 2025.

It is a matter of some concern that the Report which has been filed by the Kolkata Municipal Corporation is lacking in particulars and is not in compliance with the order dated 30 May, 2025 whether in letter or spirit. The casual and cavalier attitude of the Corporation in a matter such as this is unacceptable.

In view of the above, let a further inspection be carried out by the Kolkata Municipal Corporation peremptorily on 8 June, 2025 between 12 pm and 3 pm. A representative of each of the parties is also directed to be present at such inspection. An advance copy of the Report be also served on the Advocate-on-Record appearing on behalf of the appellants.

Mr. Santanu Dey, Executive Engineer, KMC is present in Court and undertakes to ensure compliance with the order dated 30 May 2025.

In view of the above, let this matter appear on the 10 June, 2025 before the Regular Bench having determination.

As recorded in the order dated 30 May 2025, it is reiterated that if the urgency of the situation so requires, the KMC and the Heritage Commission shall take necessary steps in accordance with law and will not wait for any order of Court.

(RAVI KRISHAN KAPUR, J.)

(SUPRATIM BHATTACHARYA, J.)

kc/bp.