

08.02.2021
SL No.15
Court No.24
(P.M.)

WPA 5887 of 2020
With
IA No. CAN 2 of 2020
With
IA No. CAN 3 of 2020

Monirul Islam Mollick
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. S. Bhattacharjee
... for the petitioner

Mr. Alok Ghosh,
Mr. Fazrul Haque,
Mr. Subhrangshu Panda
... for the KMC
Mr. Pinaki Bhattacharyya,
Mr. Debjyoti Maity
.... For the respondent No. 6

Re : CAN 2 of 2020

This is an application praying for recalling the order dated 25th August, 2020 dismissing the writ petition for default.

I have perused the application and am satisfied with the reason mentioned therein for non-appearance of the learned advocate when the matter was taken up for consideration by the Court.

In view of the above, the order dated 25th August, 2020 stands recalled. W.P. 5887(W) of 2020 is restored to its original file and number.

CAN 2 of 2020 is disposed of.

Re : CAN 3 of 2020

This is an application praying for early listing of the restoration application. As the restoration application has

already been taken up and disposed of by the Court, CAN 3 of 2020 is disposed of accordingly.

The petitioner alleges illegal and unauthorized construction at Dag No. 221 of Premises No. V-136, S.A. Farooque Road (Karbala Road), P.S. – Rajabagan, Kolkata – 700018, Borough XV.

The petitioner submits that a complaint was made before the Corporation by letter dated 12th March, 2020 but no action has been taken in response to the same.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction, that on receipt of the complaint of unauthorized construction, steps have been taken by the Kolkata Municipal Corporation for demolition of the same. It has been submitted that demolition case being No. 07-D/BLDG/Borough XV/18-19 D- Case has been initiated and in compliance of the order passed by the Special Officer, 80% of the demolition work has already been done, but the balance 20% could not be demolished in view of the local agitation and the pandemic situation. It has further been submitted that necessary steps shall be taken by the Corporation to demolish the balance unauthorized construction.

Learned advocate on behalf of the private respondent submits that his clients have already applied for sanction of certain portion but the same has not been sanctioned by the Corporation till date.

As it appears that the Kolkata Municipal Corporation has taken up the issue of unauthorized construction and has initiated the demolition case and passed order of demolition, accordingly the Corporation is directed to proceed with the demolition work and conclude the same at the earliest, but positively within a period of three months from the date of communication of a copy of this order.

Writ Petition WPA 5887 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)