

12.08.2021
Sl. No.8
srm

W.P.A. No. 4202 of 2021

**Sanaullah
Vs.
Kolkata Municipal Corporation & Ors.**

Mr. Gobinda Kar

...for the Petitioner.

Mr. Ranajit Chatterjee,
Mr. Fazlul Haque

...for the KMC.

Despite service none appears on behalf of the respondent Nos.8 to 11.

Affidavit-of-service is taken on record. Earlier order of this Court has been complied with by the petitioner.

The petitioner is aggrieved by inaction of the competent authority of the Kolkata Municipal Corporation to implement the order dated June 27, 2017 passed by the Special Officer (Building), Kolkata Municipal Corporation. The order was passed holding that the impugned unauthorised construction as shown in the precise and in the demolition sketch plan in red colour should be demolished within 15 days from the date of communication of this order by the party responsible, failing which the Kolkata Municipal Corporation shall demolish the same, at the costs and risks of the persons responsible.

It is submitted by the petitioner that although no appeal has been preferred by the respondent Nos.8 to 11, the Kolkata Municipal Corporation has not taken any steps for implementation of the said order. It is further submitted by the petitioner that the respondent Nos.8 to 11 are the owners of the unauthorised building and there are no occupiers in the same.

Mr. Chatterjee, learned Advocate appearing for the Kolkata Municipal Corporation, submits that if no order has been passed by the Appellate Tribunal with regard to the order of demolition, the Kolkata Municipal Corporation shall take steps to demolish the unauthorised structure, as indicated in the order of the Special Officer (Building), in accordance with law.

The order of demolition reveals that the G+2 storied building was constructed for the garment business of the persons responsible.

On such fair submission of Mr. Chatterjee, nothing remains to be decided in the matter, save and except, the competent authority of the Kolkata Municipal Corporation shall implement the order of the Special Officer (Building), if it is found that no order to the contrary has been passed by any higher forum. Such order of demolition shall be caused in

accordance with law within a period of 12 weeks from the date of communication of this order.

This writ petition is, thus, disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)