

17th August, 2021
(D/L 2)
(SKB)

W.P.A.12828 of 2021
(Via Video Conference)

Sati Nath Karmakar
Versus
The Kolkata Municipal Corporation and others

Mr. Biswaroop Bhattacharya,
Ms. Saheli Sen,
Mr. Sobhan Kumar Pathak
... for the petitioner.

Mr. Ranajit Chatterjee,
Mr. Subhrangsu Panda
... for the K.M.C.

Mr. Ashim Kumar Ganguly,
Ms. Karabi Roy
... for respondent no. 6.

Mrs. Sohini Chakraborty,
Mr. Shiladitya Barma
... respondent nos.9 to 16.

Mr. Biswanath Chatterjee,
Mr. Sumitava Chakraborty
... for respondent nos.17 & 18.

This writ petition is not maintainable in its present form. The complainant has not been made a party to the present proceeding, although, the petitioner wants a protective order from this court which, in effect, would amount to staying the demolition order passed at the instance of the complainant.

A Division Bench of this Court held that the order of demolition passed by the Special Officer, Building, did not suffer from infirmity. The Division Bench set aside the order of a learned Single Judge who had set aside the

order of demolition of the premises, which the petitioner has been occupying.

It is informed by the learned advocate appearing for the Kolkata Municipal Corporation as the order of demolition had not been implemented, a contempt application has been filed.

The Kolkata Municipal Corporation is already facing a contempt before the Hon'ble Division Bench for not implementing the order of demolition.

Mr. Bhattacharya, learned advocate appearing for the petitioner, submits that some of the persons affected have moved before the Hon'ble Apex Court against the order of the Hon'ble Division Bench but no order has yet been passed.

Be that as it may, the petitioner can pursue his remedies before a higher forum, but in this proceeding, this court cannot pass any order, as it would amount to interfering with the order of the Division Bench which had upheld the order of demolition.

Accordingly, the writ petition being W.P.A.12828 of 2021 is dismissed.

There will be no order as to costs.

(Shampa Sarkar, J.)