

S/L 5
29.09.2021
Court. No. 19
GB

WPA 14671 of 2021

Kishan Jaiswal
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Angshuman Chakraborty.
...for the Petitioner.

Mr. Biswajit De,
Ms. Rajlakshmi Chatak.
...for the State.

Ms. Manisha Nath.
...for the K.M.C.

The order impugned before this Court is an appealable order.

The petitioner is aggrieved by an order dated September 4, 2021, issued by the Executive Engineer (C), Building Department, Borough-I, Kolkata Municipal Corporation. The petitioner has been given only five days to demolish the building, failing which, the Corporation has indicated that demolition would be carried out by the Corporation. According to the petitioner, even before the period for filing of an appeal against the said order had expired, the corporation has threatened to demolish the structure.

Under such circumstances, the writ petition is disposed of without any order but granting liberty to the petitioner to move the Appellate Tribunal in accordance with law. The petitioner shall also be entitled to pray for a stay of

this order of demolition and the said prayer shall also be decided in accordance with law upon hearing the parties and upon adjudication of the prima facie case, independently.

The demolition order will remain stayed for a period of six weeks. Thereafter, the Kolkata Municipal Corporation shall act and proceed on the basis of any order passed by the Appellate Tribunal.

If the petitioner fails to get any stay within the period as indicated above, the Kolkata Municipal Corporation shall be at liberty to proceed in accordance with law.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)