

S/L 92
22.09.2021
Court. No. 19
GB

WPA 14811 of 2021

Rabi Shaw
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Sukanta Chakraborty,
Mr. Anindya Halder.

...for the Petitioner.

Mr. Santanu Kumar Mitra,
Mr. Shimanta Kabir.

...for the State.

Mr. Tapan Coomaar Dey,
Ms. Piyali Sengupta.

...for the K.M.C.

The petitioner is aggrieved by an order of demolition passed by the Executive Engineer (C), Building Department, Borough-I, Kolkata Municipal Corporation. It is submitted by the petitioner that even before the time to file the appeal has expired, the authorities have threatened to demolish the structure.

Mr. Dey, learned advocate appearing on behalf of the Kolkata Municipal Corporation submits that no permission was granted to the petitioner to construct on the premises in question, which is a thika property. More than 7000 Sq. ft. has been constructed illegally and unauthorizedly. He further submits that the writ petition should not be entertained at all. The written instruction filed by the Kolkata Municipal Corporation is taken on record.

As the order impugned before this court is an appealable order, the petitioner is granted liberty to prefer an appeal against the order of demolition issued by the Executive Engineer (C), Building Department, in accordance with law.

The petitioners shall also be entitled to pray for interim orders if grounds exist, which shall be considered in accordance with law by the learned appellate tribunal.

The Kolkata Municipal Corporation shall not take any steps with regard to the alleged demolition for a period of three weeks from date. Thereafter, the Corporation shall act and proceed on the basis of the orders passed by the learned appellate forum. This Court has not entered into the merits of the claims of the parties.

Accordingly, the writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)