

Court No. 24

01.03.2021

(Item No. 17)

(AB)

W.P.A 14225 of 2019

M/S. Bireswar Dutt Estates Private Limited & Anr.

vs

The Kolkata Municipal Corporation & Ors.

Mrs. Seba Roy

Mr. Bhaskar Sengupta

Mr. Prosenjit Das

..... for the petitioners

Mr. Biswajit Mukherjee

..... For the Kolkata Municipal Corpn.

Affidavit of service filed in Court today is taken on record. None appears on behalf of the respondent No. 6 despite service.

The petitioner prays for a direction upon the Kolkata Municipal Corporation to implement the order of demolition dated 20th May, 2013 passed in demolition case No. 02-D/VI/2013-14, Br – VI and for demolishing the entire unauthorized structure standing in the premises No. 2, Gibson Lane, Kolkata – 700 069.

It appears from records that the respondent No. 6 challenged the order of demolition before the Municipal Building Tribunal and failed thereat. The private respondent thereafter challenged the same before this High Court in W.P. No. 26245 (W) of 2018 and the Court by order dated 14.01.2019 has been pleased to dismiss the said writ petition.

Presently it appears that the order of demolition as mentioned herein above is required to

be implemented by the Kolkata Municipal Corporation.

The petitioner made a representation on 21st February, 2019 praying for demolition of the illegal construction, which has not been considered by the respondent authorities till date.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

In view of the above, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to implement the order of demolition as mentioned herein above, at the earliest, but positively within a period of four months from the date of communication of a copy of this order.

The petitioners are directed to forward a copy of the representation dated 21.02.2019 along with the supporting documents to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)