

S/l.10
22.11.2021
Court. No. 19
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WPA 17970 of 2021

Sripati Kumar Shaw
Vs.
The Kolkata Municipal Corporation & Ors.

(Through Video Conference)

Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Neil Basu

... for the Petitioner.

Mr. Subhrangshu Panda
Ms. Dipanwita Ganguly

..for the KMC

In view of fair submissions of Mr. Bhattacharyya, learned advocate for the petitioner, on instructions, that the petitioner undertakes to demolish the unauthorized portion as per direction of the competent authority of the Kolkata Municipal Corporation dated October 25, 2002, the relevant portion of which is at page 20 of the writ petition, the writ petition is disposed of with the following directions: -

i. In view of the finality attained by the order of the Court dated October 25, 2002, nothing remains to be decided with regard to the proceeding initiated by the Kolkata Municipal Corporation for demolition of the unauthorized portion of premises no. 393/3F/4, Prince Anwar Shaw Road.

ii. As the petitioner prays for some breathing time to bring down the unauthorized first floor in compliance of the order, three months time from today is given to the petitioner to demolish the same at his own costs.

iii. On the expiry of the aforementioned period of three months, the Corporation shall be at liberty to demolish the structures and recover the costs from the petitioner. The order of partial demolition was passed. The same was challenged before the Building Tribunal. The Tribunal affirmed the order of demolition and a writ petition was preferred which was dismissed for default. No steps were taken for restoration. Thus the petitioner has accepted the order of demolition.

iv. Other portions of the order with regard to retention shall be reached to its logical conclusion as the petitioner has already paid retention charges within a month from such demolition subject to compliance of the directions of the special officer building.

v. As the petitioner has undertaken before this Court to comply with the order of the Corporation, no coercive measure shall be taken for the aforementioned three months as indicated in the order itself.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)