

ORDER SHEET

WPO 455 of 2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BIJOYA ROY AND 2 OTHERS
VS
THE KOLKATA MUNICIPAL CORPORATION AND 6 OTHERS

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : January 25, 2021.

Appearance:
Mr. Bhaskar Prasad Banerjee, Adv.
Mr. Parashar Baidya, Adv.
... for petitioner.
Mr. Ranajit Chatterjee, Adv.
Mr. Dwijadas Chakraborty, Adv.
...for K.M.C.

The Court : The petitioner prays for implementation of the order of the Special Officer (Building) passed on 13th October, 2020 in Demolition case no. 63D/BR-X/18-19 in the matter of Kolkata Municipal Corporation vs. Jaydeep Majumder and others.

By the said order the Special Officer (Building) directed the persons responsible to demolish the unauthorized construction including the change of

use portion, as mentioned in precis and shown in D.Sketch Plan within 30 days from the date of communication of this order.

The petitioner alleges that 30 days period is long over but the private respondents, who were the persons responsible for making the unauthorized construction has not taken any steps for demolition of the same.

The learned Advocate representing the Kolkata Municipal Corporation submits, upon instructions, that the demolition was supposed to be carried out within 30 days from the date of communication of the order. The order dated 13th October, 2020 has not been communicated to the persons responsible as yet.

The Kolkata Municipal Corporation relies upon the Municipal Commissioner's Circular no. 22 of 2020-21 dated 23rd September, 2020 which indicates the directives which are required to be followed by the Special Officer (Building) or any other officer dealing with demolition, regularization and/or change of rules. In terms of the said Circular, after delivery of the order, the same is to be uploaded in the Kolkata Municipal Corporation web portal within 3 days with the scan D.Sketch. The file should be sent to the respective Executive Engineer for preparation of agenda as per prescribed format and onward transmission for approval and resolution of Board of Administrators. Afterwards on getting resolution of the Board of Administrators, the respective Executive Engineer shall implement the order after obtaining the No Objection Certificate and documents and/or order required for implementing the order of the Special Officer (Building).

It has been submitted that the time as indicated in the order of demolition has not started ticking as yet. The same will come into effect only from the date the order is communicated to the person(s) responsible.

As the aforesaid provision for sending the file to the Executive Engineer and for approval of the Board of Administrators has not been completed as yet, accordingly, the order of demolition could not be communicated to the person(s) responsible. Time has been sought for by the Kolkata Municipal Corporation for implementation of the order.

As it appears from the aforesaid Circular that the order of the Special Officer (Building) is required to be sent for approval of the Board of Administrators and then the same can be implemented, it is expected that the Kolkata Municipal Corporation shall take necessary steps for transmission of the file to the Board of Administrators for necessary action. The Kolkata Municipal Corporation shall take all steps for implementation of the order, strictly in accordance with law, at the earliest, but positively within a period of six months from the date of communication of this order.

None appears on behalf of the private respondents despite service.

Affidavit of service filed in Court today be kept with the record.

WPO 455 of 2020 stands disposed of.

(AMRITA SINHA, J.)