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ORDER SHEET

WPO No. 976 of 2021

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

PRIORITY DEALERS PRIVATE LIMITED AND ANOTHER
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & OTHERS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 1st December, 2021.

[Via Video Conference]

Appearance:

Mr. Om Narayan Rai, Adv.
Ms. Shreya Choudhary, Adv.
For the petitioners.

Mr. Samrat Choudhury, Adv.
Mr. Soumya Kanti Nag, Adv.
For the respondent no. 7.

Mr. S. Nayek, Adv.
Mr. Swapan Kumar Debnath, Adv.
For the K.M.C.

The Court:- The petitioners seek implementation of an order of demolition dated May 27, 2013. The writ petition has been filed in 2021 and another similar writ petition was filed in 2014. Learned Advocate for the Corporation was directed to inspect the records and come back with instruction as to whether the order of demolition of 2013 had been implemented or not. Today, it has been submitted by the

Kolkata Municipal Corporation that partial demolition had taken place but complete demolition has not been done.

Mr. Rai, learned Advocate appearing on behalf of the petitioner submits that the order of demolition clearly suggests the nature of unauthorized construction and the portion sought to be demolished. According to Mr. Rai, the entire demolition as per the order had not been taken place and he seeks a direction from the Corporation for demolition of the unauthorized portion as appearing in the order dated May 27, 2012.

Mr. Choudhury, learned Advocate appearing on behalf of the respondent no. 7 submits that the order of demolition had been carried out. Contrary to such submission, both the learned Advocates of the petitioners as also the Corporation submit the demolition was not completely effected.

Under such circumstances, this Court is of the opinion that a fresh inspection is required to be made as due to the passage of time, the actual situation cannot be ascertained. Whether the present structures are unauthorized or not or have been subsequently constructed on the premises after the demolition had taken place are required to be enquired into.

The competent authority of the Kolkata Municipal Corporation, will cause an inspection of the premises No. 7, Uttar Panchanna Gram, Kolkata-700 039 under Ward No. 108 and Borough

No. XII. The inspection shall be made in the presence of the parties. Report of the inspection indicating the existing unauthorized construction, if any, which are yet to be broken or must have been constructed later, shall be provided to the parties. It goes without saying, that before taking any decision, hearing shall be given to all concerned upon notice to all and the proceedings shall be reached to its logical conclusion, upon effecting complete demolition, if unauthorized structures are still detected. A reasoned order shall be passed and communicated to the parties.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

[SHAMPA SARKAR, J.]