

10.03.2022
Court No. 19
Item no.24
GB

W.P.A. No. 2241 of 2022

Kamal Das

Versus

State of West Bengal & Ors.

Mr. Supratik Basu.

..for the petitioner.

Mr. Tapan Coomaar Dey.

....for the K.M.C.

Mr. Biswabrata Basu Mallick,

Mr. Shayak Chakraborty.

....for the State-respondents.

The petitioner is aggrieved by the demolition order dated February 3, 2022, issued by the Executive Engineer (Civil/Building), Borough-I, Kolkata Municipal Corporation. The order impugned is an appealable order.

It appears that 5 days time was given to the petitioner to demolish the unauthorized portion, failing which the Kolkata Municipal Corporation threatened to take action for demolition.

The petitioner has not preferred any statutory appeal and apprehends that the demolition may take place at any time. Hence, intervention of the writ Court is sought for.

Admittedly the pandemic situation has caused serious hardship to the litigants.

As the law provides an alternative remedy, this Court does not interfere with the order impugned, but grants liberty to the petitioner to prefer a statutory appeal in accordance with law.

The order of demolition shall not be given effect to for a period of three months from the date of communication of this order.

If within such time, the learned tribunal does not grant any interim injunction against the order impugned, the Kolkata Municipal Corporation may proceed according to law. This order shall not be construed as an opinion on the merits of the appeal or on the merits of the order impugned.

The learned Tribunal shall decide the entire issue expeditiously and independently.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)