

25.02.2022
Court No. 19
Item no.18
CP

WPA 2610 of 2022

Haji Insaf Ali Mullick & anr.
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Indrajit Bhattacharjee
....for the petitioners.

Mr. Gopal Chandra Das
....for the K.M.C.

The petitioner is aggrieved by a notice dated February 8, 2022, issued by the Kolkata Municipal Corporation (hereinafter referred to as 'the corporation'), under Sections 544 & 546 of the Kolkata Municipal Corporation Act, 1980.

None appears on behalf of the corporation.

Mr. Das, learned advocate who usually appears for the corporation, is requested by the court to enter appearance in this matter. His appointment may be regularized.

The notice impugned has been issued consequent to an order of demolition in respect of Premises No. Y-303/A, Khaldhari Road, Ward-140, Br-XV. The order of demolition is an appealable order. The petitioners have preferred an appeal being B.T. Appeal No. 52 of 2019.

The corporation shall not take any coercive steps with regard to the demolition of the said

property for a period of three months. Within such time, the petitioners' appeal must be disposed of by the tribunal, at least on the point of grant of an interim order. If after the expiry of such time, the petitioners are not granted any order staying the demolition proceedings, the corporation shall proceed in accordance with law.

The writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)