

02.03.2022  
Court No. 19  
Item no.11  
CP

WPA No. 3235 of 2022  
Md. Arman  
Vs.  
The State of West Bengal & ors.

Mr. Somnath Gangopadhyay  
Mr. Rahul Singh

....for the petitioner.

Mr. Himadri Sikhar Chakraborty  
Mr. A. Maity

.....for the State.

Mr. Barin Banerjee  
Mrs. Sima Chakraborty

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

Report filed by the police authority is kept on record.

The petitioner is aggrieved by the demolition order dated February 17, 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 contention of Mr. Banerjee, learned advocate appearing on behalf of the Kolkata Municipal Corporation, that the petitioner has constructed an entire five-storeyed building without a plan will also be looked into by the tribunal at the hearing, on the point of interim order.

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.)**