

S/L 25
11.5.2022
Court. No. 19
Sn

WPA 4664 of 2022

Ashok Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Rahul Singh ... for the Petitioner

Mr. P.K. Bhattacharya ... for the State.

Mr. Dwijadas Chakraborty ..for the KMC

As none appears on behalf of the Kolkata Municipal Corporation, Mr. Dwijadas Chakraborty, learned advocate, who usually appears on behalf of the Kolkata Municipal Corporation, is requested by this Court to appear in this matter. His appearance be regularised.

The petitioner has challenged an order of demolition dated September 9,2021 issued by the Executive Engineer (Civil/Building), Borough-I, Kolkata Municipal Corporation.

The allegation is that the authorities did not grant a proper opportunity of hearing. Further allegation is that other occupants of the building were not heard.

The order has been passed with regard to alleged unauthorised construction at premises no. T/6A, Cossipore Road, Ward No. 006 of the Kolkata Municipal Corporation, which is allegedly a thika land.

From the order impugned, it appears that the petitioner was heard and the alleged unauthorised construction was without any permission from the authority. The order impugned is an appealable order.

The petitioner is granted liberty to prefer an appeal on the basis of the copy received from the Corporation. The Municipal Building Tribunal shall accept the memorandum of appeal without insisting for the certified copy. The petitioner shall apply for the certified copy within seven days from date upon complying with all formalities. Such certified copy which shall be supplied to the petitioner by the Corporation, shall be deposited before the Tribunal. The appeal shall be filed within seven days. The applications will be entertained without the certified copy.

The petitioner shall be at liberty to prefer the appeal along with an application for condonation of delay and application for stay. The order of demolition shall not be given effect to for a period of three months from date. If the petitioner is not favoured with any order by the learned Tribunal staying the demolition, the Corporation shall proceed in accordance with law.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)