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06.07.
2022
Ct. No.24

WPA 13186 of 2022

Ram Saran Shaw
Vs.
State of West Bengal & Ors.

Mr. Supratik Basu
Mr. Shuvam Shaw
Ms. Samata Chhari
.....For the Petitioner
Mr. Subhrangsu Panda
Ms. I. Bhattacharyya
.....For the K. M. C.
Mr. Srijan Nayak
Mrs. Rituparna Maitra
.....For the State

The petitioner is aggrieved by the notice dated 20th May, 2022 under Sections 544 and 546 of Calcutta Municipal Corporation Act, 1980 issued by the Executive Engineer (Civil), Building Department, Borough- III, Kolkata Municipal Corporation.

The petitioner has been directed to demolish the tin shade over steel structure made of iron joist at premises no. 98, Satin Sen Sarani, Ward No.32, Borough III under the jurisdiction of Kolkata Municipal Corporation.

The petitioner submits that an appeal has been preferred before the Municipal Building Tribunal and the same is pending for consideration. Prior to the appeal being decided if the demolition is carried out, then the appeal will be rendered infructuous.

Learned advocate representing the Kolkata Municipal Corporation has produced instruction before this Court from the Executive Engineer, Building Department, Borough III dated 4th July, 2022 which mentions that the petitioner has made massive steel structure with tin shed covering and steel column and steel roof truss without any approval/sanction from the Corporation.

Hearing was held under Section 400 (1) of the K. M. C. Act, 1980 on 7th May, 2022. During inspection the petitioner failed to produce any document in support of the structure. The unauthorized construction has been made in a haphazard manner without following any norms of civil engineering and as such it may collapse at any time causing harm to human lives.

The petitioner was accordingly directed to demolish the unauthorized construction but the same has not been demolished till date. The date of demolition has been fixed today i.e. 6th July, 2022.

Considering the gravity of the situation and safety of adjoining structure as well as safety of public, the Corporation has decided to demolish the said structure first.

On repeated query from the Court, the learned advocate for the petitioner has failed to produce any sanction/permission in support of the construction

that has been made.

According to the provisions of law no construction can be made without obtaining the proper sanction/permission from the concerned authority. The petitioner has not obtained any permission or sanction from the Corporation.

Accordingly, there is no reason for interfering in the matter. The writ petition fails and is hereby dismissed.

The instruction given by the KMC dated 4th July, 2022 and the report filed by the Officer-in-charge, Manicktala P. S. be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

