

Sl. No.12
17.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 17777 of 2022

Surya Sankar Basu @ Surja Sankar Basu & Ors.

Versus

The State of West Bengal & Ors.

Mr. Ram Krishna Bhattacharjee

Mr. Somraj Dhar

Mr. Partha Sarathi Sen Sharma

... for the petitioners

Ms. Koyeli Bhattacharyya

Mr. Subhrangsu Panda

... for the Kolkata Municipal Corporation

Mr. Debjit Mukherjee

Ms. Susmita Chatterjee

... for the State

The petitioners pray for a direction upon the respondent authorities to withdraw, rescind, cancel the order of demolition issued against construction standing on the premises No.152, Thakurpara Road, Ward No.114, Borough-XI under the jurisdiction of the Kolkata Municipal Corporation.

From the documents annexed to the writ petition, it appears that a judgment was passed by the Municipal Magistrate, 3rd Court, Calcutta on 17th June, 2022 wherein it was held that persons responsible were found guilty for committing offence punishable under Section 401A of the Act. The matter before the Municipal

Magistrate was contested by the persons responsible for making unauthorised construction.

The petitioners submit that an application has been made for regularisation of the said unauthorised construction. A prayer has been made for passing a direction upon the respondent authorities for consideration of the said representation.

The prayer of the petitioner has been opposed by the learned advocate representing the Kolkata Municipal Corporation.

It appears from submissions made on behalf of the parties that the order of demolition was passed in compliance of the direction passed by the Municipal Magistrate.

The Corporation is bound to act in accordance with law and in compliance of any order that has been passed by the Court.

Moreover, there is hardly any provision for regularisation of the unauthorised construction. The judgment dated 17th June, 2022 is yet to be appealed against. No order of stay has been passed by any forum staying operation of the judgment dated 17th June, 2022.

In view of the above, prayer of the petitioners for cancelling the order of demolition cannot be accepted by the Court.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)