

24.02.2022
Sl. No.13
srm

W.P.A. No. 19384 of 2021

Md. Ilyas Khan
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder

...for the Petitioner.

Mr. Achintya Kumar Banerjee

...for the Kolkata
Municipal Corporation.

Ms. Rini Bhattacharyya

...for the Respondent No.7.

Affidavit of service is taken on record.

The petitioner alleges that the authorities of the Kolkata Municipal Corporation have not taken any decision as to whether they were satisfied about the self-demolition carried out by the petitioner in spite of several requests by the petitioner. The records reveal that a demolition case was initiated against the petitioner in respect of Premises No.71/1A, Tiljala Road, Ward No.64, Borough-VII, under the Kolkata Municipal Corporation.

It is the contention of the petitioner that after the orders were passed by this Court in several rounds of litigations, the petitioner demolished the structures which were detected to be unauthorised. Thereafter, the petitioner

wrote a letter to the Kolkata Municipal Corporation requesting them to make an inspection with regard to the compliance of the orders of demolition. It is submitted that the Kolkata Municipal Corporation conducted an inspection, but did not issue any order recording their satisfaction as to the compliance of the order of demolition. The petitioner alleges that as further constructions cannot be raised, irreparable loss and injury are being suffered by him.

It appears that the petitioner has made a representation to the authorities of the Kolkata Municipal Corporation, which is Annexure P-14 at page 57 to the writ petition.

The writ petition is disposed of with a direction upon the Executive Engineer(C), Building Department, Borough-VII, Kolkata Municipal Corporation, to cause a joint inspection with the petitioner, in order to ascertain whether the orders of demolition, which were passed by this Court, have been complied with or not. All records shall be referred to at the time of inspection. If the authority is satisfied that the petitioner has carried out the demolition as per the order, necessary order should be passed and intimation must be given to the petitioner in that regard. The representation shall be disposed of by passing a reasoned order accordingly. The petitioner shall be heard.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

This Court has not gone into the merits of the claims and counterclaims of the parties and all points will be decided by the Kolkata Municipal Corporation.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)