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12.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 20480 of 2022

**Amrita Kumar Mondal @ Amrit Kr. Mondal
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Prasenjit Mukherjee.
...For the Petitioner.**

**Mr. Biswajit Mukherjee,
Mr. Debangshu Mondal.
...For KMC.**

Affidavit-of-service filed in Court today is taken on record.

An order of demolition dated 10th August, 2022 passed by the Executive Engineer (Civil/Building)/Borough-I under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 is under challenge in the present writ petition.

Learned advocate appearing for the petitioner submits that his client intends to prefer an appeal against the order of demolition.

A further notice has been issued under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 intimating that the men and agents of the Kolkata Municipal Corporation shall enter the premises being No. B/1B/H/15 (Portion), Uma Kanta Sen Lane, Ward No.4, Borough No. 1, Kolkata-700030 for demolishing

the unauthorized/dangerous structure namely the entire three storied R.C.C. framed structure constructed without taking any permission from Kolkata Municipal Corporation.

It appears from records that the order impugned is an appealable one. The petitioner intends to prefer an appeal against the same. Time period for preferring appeal is 30 days from the date of the order.

Though it appears that the time within which the appeal ought to have been preferred before the appellate forum is over, but for ends of justice a fortnight's time is granted for preferring the appeal.

The order impugned dated 10th August, 2022 is accordingly, stayed till 30th September, 2022.

In the event the petitioner is unable to obtain an order of stay within 30th September, 2022, it will be open for the Kolkata Municipal Corporation to take steps in accordance with law for implementation of the impugned order.

The appellate forum is requested to consider the application for stay, on merits, if filed by the petitioner within a period of two weeks from date and pass necessary orders therein without insisting upon filing of the certified copy of the impugned order.

The petitioner is directed to file the certified copy of the impugned order as soon as the same made is available by the department.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)