

17
27.09.2022
d.p.

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

W.P.A. 22466 of 2022

**Paritosh Mondal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Sudipta Narayan Ghosh,
Mr. Amit Nath,
Mr. Balaram Pandit.
...For the Petitioners.**

**Mr. Ansar Mondal,
Mr. Sougata Mitra.
...For the State.**

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

The petitioner is aggrieved by the notice issued under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 by the Executive Engineer (Civil), Building Department, Borough-XII intimating the person(s) responsible that the men and agents of the Kolkata Municipal Corporation shall enter into the premises No. 32/1, Shanti Park, Ward No.-109, Borough-XII on 27th September, 2022 for the purpose of demolishing the unauthorized structure (construction of 4 storied building) in terms of the order passed by the Municipal Magistrate on 10th August, 2022.

The order passed by the Municipal Magistrate is a contested one.

The Learned Court below directed the person(s) responsible to demolish the unauthorized, irregular, invalid, illegal and unlawful erection/construction work.

The order of the Municipal Magistrate has not yet been challenged before any forum.

According to the petitioner, the Municipal Magistrate could not have taken cognizance of the offence and the learned Magistrate was not empowered to pass an order of demolition.

It appear from the submission made on behalf of the petitioner and the documents annexed to the writ petition that the proceeding before the Magistrate is a protracted one.

There was complete trial of the charges framed against the person(s) responsible. After conclusion of the trial, the Court passed the order and judgment on 10th August, 2022 directing demolition of the unauthorized construction.

The Municipal Authority is bound to comply the order passed by the Municipal Magistrate.

It does not appear that there is any error requiring interference by the Court at this stage.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)