

23.11.2022

27

SS

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 23258 of 2022

Abul Basar Molla

Vs.

The Kolkata Municipal Corporation & ors.

Mr. Gobinda Kar

... for the petitioner

Mr. Debjit Mukherjee

Ms. Susmita Chatterjee

... for the K. M. C.

Mr. Indrajit Bhattacharjee

Mr. Koushik Tikadar

... for the respondent Nos.13 & 15

The petitioner is suffering an order of demolition. An appeal has been preferred before the Municipal Building Tribunal challenging the same. As on date there is no order staying the order of demolition. The Kolkata Municipal Corporation has issued fresh notice of demolition of the unauthorised construction.

The Court is of the opinion that it is for the petitioner to approach the forum where the appeal is presently pending for necessary orders.

There is no reason to interfere with the fresh notice of demolition that has been issued by the Kolkata Municipal Corporation.

In view of the above, no relief can be granted in favour of the petitioner in the present writ petition.

The writ petition fails and is hereby dismissed.

Instruction given by the Engineer, Kolkata Municipal Corporation be retained with the record.

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

(Amrita Sinha, J.)