

Sl. No.24
21.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 9312 of 2020
+
IA No.: CAN 1 of 2022

Shabnam Begum
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Sarwar Jahan
... for the Petitioner

Mr. Alok Kumar Ghosh
Mr. Subhrangsu Panda
... for the Kolkata Municipal Corporation

Mr. N. C. Bihani
Mr. S. Ghosh
Ms. K. Singh
... for the State

The petitioner complains that the Kolkata Municipal Corporation has not taken into consideration the representation filed on behalf of the petitioner seeking demolition of the illegal and unauthorised construction made in the premises No.55/1-L, Tiljala Road, Kolkata-700 046.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, the premises in question was inspected by the department and it was found that structural work for construction of a six storied building has been made without any sanctioned plan.

The department issued notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 and the local Police Station has been intimated. First Information Report has also been lodged and the Joint Commissioner of Police, Head Quarter has been intimated for round the clock Police posting.

The department is proceeding in the matter under suitable sub section of Section 400 of the Kolkata Municipal Corporation Act, 1980. After hearing the Special Officer (Building) has passed an order of demolition on 20th January, 2022.

As it appears that the Special Officer (Building) has already passed the order of demolition on 20th January, 2022, accordingly, the Corporation is directed to implement the said order of demolition in accordance with law.

Steps shall be taken to conclude demolition proceeding positively within a period of twelve weeks provided the order of demolition is not set aside/stayed/modified or varied by any competent forum within the aforesaid time period.

Instruction given by the Sub Assistant Engineer (Civil) and the Executive Engineer (Civil)/Building, Borough-VII, Kolkata Municipal Corporation dated 21st September, 2022 be retained with the records.

The Officer-in-Charge of the jurisdictional Police Station is directed to render all necessary help and

assistance to the men and agents of the Kolkata Municipal Corporation at the time of demolition of the unauthorised construction, as sought for.

Writ petition and the connected application being IA No.: CAN 1 of 2022 stand disposed of.

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

(Amrita Sinha, J.)