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ORDER SHEET

WPO No.833 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUNITI KUMAR
Vs.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:13th September, 2022.

Appearance:
Mr. Arif Ali, Adv.
Md. Sayeed Khan, Adv.
Mr. Sayan Dev Kumar, Adv.
...for Petitioner.

Mr. Alak Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
...for KMC.

Mr. S. Chakraborty, Adv.
Mr. Chandra Bhanu Sinha, Adv.
Mr. Jayant Kumar Dhar, Adv.
...for Respondent Nos. 9 & 10.

Mrs. Sipra Majumdar, Adv.
Mrs. Debarati Sen (Bose), Adv.
...for State.

The Court:- Heard the submissions made on behalf of the parties.

The petitioner has, *inter alia*, prayed for a direction upon the Municipal Commissioner, Kolkata Municipal Corporation to appoint any Special Officer (Building) to hear the Demolition Case No. 28-D/V/2016-17 with regard to the premises no.69B, Serpentine Lane, Kolkata-700 014 apart from Mriganka Sekhar Kar, Special Officer (Building), Kolkata Municipal Corporation being the respondent no.8 herein.

The petitioner has certain grievance against the respondent no.8, Mriganka Sekhar Kar, Special Officer (Building), Kolkata Municipal Corporation.

Without going into the veracity of the allegations made by the petitioner against the respondent no.8, the present writ petition is disposed of by directing the respondent no.2, Municipal Commissioner, Kolkata Municipal Corporation to engage any other Special Officer (Building), Kolkata Municipal Corporation other than the respondent no. 8 to decide the demolition case as mentioned hereinabove.

Special Officer (Building), Kolkata Municipal Corporation who will be engaged by the Municipal Commissioner, Kolkata Municipal Corporation shall decide the demolition case on merits without being influenced by any observation made by Mriganka Sekhar Kar in the earlier proceeding.

Steps shall be taken in the matter by the Municipal Commissioner, Kolkata Municipal Corporation to appoint the Special Officer at the earliest, but positively within a period of four weeks from the date of communication of this order. The Special Officer who will be engaged in the matter shall decide the issue within a period of twelve weeks from the date of his appointment. Proper opportunity of hearing shall be afforded to all the parties. Special Officer shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)