

OD-3

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1892/2022

NADEEM ZAFFAR AHMED
Versus
STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 7th April, 2022.

Appearance :
Mr. Supratik Basu, Adv.
Ms. Samata Basu, Adv.
... for the petitioners.

Mr. Alak Kr. Ghosh, Adv.
Ms. Manisha Nath, Adv.
... for the KMC.

Ms. Sipra Majumder, Adv.
Ms. D. Sen Bose, Adv.
... for the State.

The Court: A writ petition has been filed for a direction upon the Kolkata Municipal Corporation to permit the petitioner to finish the interiors of the portions of the premises. It is submitted that the petitioner cannot be prevented from making internal changes and also from finishing the interiors of the portions of the building which have been constructed legally. It is submitted that the law does not prevent such work. The petitioner prays for a direction upon the Corporation to pass necessary orders in such regard.

The Special Officer, Building, Kolkata Municipal Corporation is in the midst of hearing a demolition case with regard to the said premises. An interim order has been passed directing the petitioner to demolish the

extra floor over the G+4 storey, within 30 days. Such order was passed on February 26, 2022. It appears that the Special Officer, Building has specifically recorded that upon compliance of the said direction, the other external and internal deviations shall be decided by the said Special Officer, Building.

Under such circumstances, when a demolition case is pending with regard to the self-same premises before a statutory authority and the authority is in seisin of the matter, the prayer of the petitioner to allow the finishing work, is not accepted. The petitioner is at liberty to make such prayer before the Special Officer, Building, and if such application is made, the same shall be disposed of in accordance with law.

The writ petition is disposed of accordingly.

(SHAMPA SARKAR, J.)