

WPO No.2211 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. EHTESHAM UDDIN
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 22nd June, 2022.

Appearance:
Mr. Arif Ali, Adv.
Mr. Sarban Bhattacharjee, Adv.
..for Petitioner.

Mr. Ranajit Chatterjee, Adv.
Ms. Piyali Sengupta, Adv.
..for KMC.

Mr. Manoj Malhotra, Adv.
Mr. Sagnik Chatterjee, Adv.
...for State Respondents.

Mr. Arijit Dey, Adv.
...for Respondent No.12.

Mr. Debojyoti Basu, Adv.
Mr. Pran Gopal Das, Adv.
...for Respondent No.13.

The Court:-The matter relates to the premises no.7/H/2,Kasai Bustee, 1st Lane, Ward No.29, Borough-III under the jurisdiction of the Kolkata Municipal Corporation.

A show cause notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 was issued in favour of the person(s) responsible for making construction. Thereafter, it appears that an order of demolition was also passed by the Executive Engineer, Building Department, Borough-III on 19th April, 2022.

An appeal has been preferred before the Municipal Building Tribunal being B.T. Appeal No.87/2022 challenging the order of demolition. The matter is pending consideration before the Municipal Building Tribunal.

In view of the fact that the appeal is pending before the Municipal Building Tribunal, the parties will be at liberty to approach the said forum for necessary orders.

As the writ petition is being disposed of without calling for any affidavits, allegations made therein are deemed not to have been admitted by the respondents.

Report filed by the Kolkata Municipal Corporation in Court today is taken on record.

No further order is required to be passed in the present writ petition.

Writ petition is disposed of accordingly.

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

(AMRITA SINHA, J.)