

ORDER SHEET

WPO 2377 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MINPRA INFRASTRUCTURE INDUSTRIES LTD.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 28th July, 2022

Mr. Sounak Bhattacharya, Mr. Lalratan Mondal, Mr.
Sounak Mandal, Advocates for the petitioner.

Mr. Biswajit Mukherjee, Mr. Subhrangsu Panda, Ms. Ira Bhattacharyya,
Advocates for K.M.C.

The Court : Affidavit of service filed in Court today is retained with the records.

The order of demolition passed by the Executive Engineer (Civil) /Building/ Borough-IV & V on 20th July, 2022 is impugned in the present writ petition.

Learned Advocate for the petitioner submits that on the date fixed for hearing, the representative of the petitioner sought time to produce the relevant documents. Kolkata Municipal Corporation refused to grant any accommodation to the representative of the petitioner and instead passed the order of the demolition.

The order of demolition clearly mentions that construction has been made by covering the car parking space by brick wall in the ground floor. Apart from above, there has been construction of RCC columns, beam, roof, staircase in the fourth floor in deviation/violation of the sanctioned plan of premises no.4A, Raghunandan Lane, Ward-21, Borough-IV.

The impugned order of demolition mentions that the petitioner is to demolish within seven days from the date of the order of demolition the unauthorised construction mentioned in the said order.

The petitioner has applied for obtaining certified copy of the impugned order of demolition and intends to move the appellate forum for redressal.

It has been submitted that as the appeal period is 30 days, accordingly, the Corporation ought not to have granted seven days' time for demolishing the said construction.

As it appears that the order is an appealable one and the appeal can be filed within a period of 30 days from the date of the order, accordingly, it will be open for the petitioner to approach the appellate forum within the prescribed period of limitation.

In the event such an appeal is filed before the appropriate forum within the prescribed period of limitation, the same shall be accepted by the appellate forum without insisting upon the certified copy of the impugned order of demolition.

It will be open for the petitioner to apply for stay of the impugned order before the said forum.

The Kolkata Municipal Corporation is restrained from giving any effect and/or further effect to the impugned order of demolition till 31st August, 2022.

The status report filed by the Kolkata Municipal Corporation signed by the Executive Engineer (Civil)/Building/Borough-IV &V dated 27th July, 2022 be retained with the records.

Supplementary affidavit filed in Court today annexing the notice dated 26th July, 2022 issued by the Kolkata Municipal Corporation under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 be retained with the records.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)