

OD-8

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/2411/2022

JJ HEADWARD AND CO
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 16th August, 2022.

Appearance:

Mr. Bodhisatta Biswas, Adv.

Mr. G. Singh, Adv.

For the petitioner.

Mr. Abhrajit Mitra, Sr. Adv.

Mr. Arindam Banerjee, Adv.

Mr. Sarbapriya Mukherjee, Adv.

Ms. Pritha Basu, Adv.

Mr. D. Chakraborty, Adv.

Ms. S. Ahmed, Adv.

Mr. Saptarshi Datta, Adv.

For the respondents.

Mr. Amitesh Banerjee, Sr. Adv.

Learned Senior Standing Counsel.

Ms. Ipsita Banerjee, Adv.

For the State of W.B.

The Court:- The writ petition does not disclose any cause of action against the police. The police did not have any authority to stop demolition which was carried out in terms of the order of the Kolkata Municipal Corporation. The petitioner is the tenant whose possession has been secured in the newly proposed building as displayed by the Kolkata Municipal Corporation, pursuant to the direction of this Court.

The demolition order of the old and dilapidated building was passed on the basis of the direction of the Hon'ble Apex Court. Such demolition order was passed in exercise of power under Section 412A of the Kolkata Municipal Corporation Act, 1980. The direction of the Hon'ble Apex Court to ensure that the tenants are accommodated in the proposed structure have been complied with. Whether such demolition was carried out rightly or wrongly is a matter to be decided by the Learned Judge who is in seisin of the matter. Neither this Court, nor the police authorities could prevent such demolition or protect the right of the petitioner. The Hon'ble Apex Court had directed that steps should be taken in terms of Section 412A of the Kolkata Municipal Corporation Act, 1980. The order of demolition is the subject matter of challenge in another proceeding. Thus, the issues, which have been raised in the writ petition cannot be decided in this proceeding. The police authorities do not have any role to play in the matter. It is also an admitted position that the petitioner's tenancy has been secured in the proposed building.

Accordingly, the writ petition is disposed of.

(SHAMPA SARKAR, J)