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ORDER SHEET

WPO No.2739 of 2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SK JAHANGIR
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 9th November, 2022.

Appearance:

Mr. Raghunath Chakraborty, Adv.
..for the petitioner.

Mr. Srijan Nayak, Adv.
Mr. Anindya Sundar Chatterjee, Adv.
..for KMC.

The Court:-The petitioner is facing an order of demolition. The Kolkata Municipal Corporation issued notice under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 intimating that the men and agents of the Corporation will enter the premises No.10, Topsia 1st Lane, Ward-66, Borough-VII, Kolkata-700 039 on 22nd September, 2022 for the purpose of demolition of the unauthorized structure.

Learned advocate for the petitioner submits that the men and agents of the Corporation entered the premises and demolished substantial portion of the said unauthorized construction. The petitioner intends to prefer an appeal against the order of demolition and seeks some time to approach the Appellate forum.

Learned advocate representing the Kolkata Municipal Corporation opposes the prayer of the petitioner. It has been submitted that the order of

demolition was passed long back and the petitioner had enough time to approach the Appellate forum.

It appears from the submissions made on behalf of the parties that the Corporation has already demolished portion of the unauthorized construction pursuant to an order of demolition and the notice issued under Sections 544 and 546 of the Act of 1980.

The order of demolition being an appealable one and the petitioner seeking some time to approach the appellate forum, the Court is of the opinion that a fortnight's time may be granted to the petitioner to approach the appellate forum seeking relief for stay of the order of demolition.

In the event the appellate forum passes an order of stay/or modifies the order of demolition, then the Corporation shall be bound to act in accordance with the same.

The men and agents of the Kolkata Municipal Corporation are restrained from proceeding any further with the notice issued under Sections 544 and 546 of the Act of 1980 till 25th November, 2022 or until further order, whichever is earlier.

Writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

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

(AMRITA SINHA, J.)