

OD-5

ORDER SHEET
WPO No.2858 of 2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SANKAR MITRA
VS
STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:10th November, 2022.

Appearance:

Mr. Somnath Gangopadhyay, Adv.
..for the petitioner.

Mr. Nayan Bihani, Adv.
Ms. Sabnam De, Adv.
..for KMC.

Mr. Amitesh Banerjee, Sr. Adv.
Ms. Ipsita Banerjee, Adv.
..for State.

The Court:-Learned advocate representing the Kolkata Municipal Corporation has filed the instruction given by the Assistant Engineer and Executive Engineer (Civil)/Building Department, Borough-I, Kolkata Municipal Corporation dated 3rd November, 2022 clearly mentioning the steps taken to deal with the unauthorized construction raised by the petitioner.

It appears therefrom that notices under Sections 401 and 400(1) of the Kolkata Municipal Corporation Act, 1980 were served upon the person responsible. A hearing was conducted and the person responsible appeared before the Executive Engineer (Civil)/Building Department, Kolkata Municipal Corporation in March, 2022 and an order of demolition was passed.

An appeal preferred by the petitioner against the said order of demolition is under scrutiny before the Municipal Building Tribunal and the next date is fixed on 22nd December, 2022.

As the appeal is pending consideration, accordingly the men and agents of the Kolkata Municipal Corporation are restrained from giving any effect or further effect to the order of demolition dated 28th March, 2022 till 30th December, 2022. It will be open for the petitioner to approach the Municipal Building Tribunal for taking necessary steps in the matter.

In the event the petitioner fails to obtain an order of stay/injunction of the order of demolition by the said date, it will be open for the Corporation to take steps for giving effect to the order of demolition, in accordance with law.

Instruction filed by the Assistant Engineer and the Executive Engineer (Civil)/Building Department, Borough-I, Kolkata Municipal Corporation in Court today be retained with the records.

The 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.)

nm