

OD-6

ORDER SHEET

WPO No. 3263 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KRISHNA DAS
Versus
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 19th December, 2022.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Mr. Rajdeep Bhattacharya, Adv.
Mr. S. Ghosh, Adv.
..for Petitioner.

Mr. M. Kundu, Adv.
Ms. Manisha Nath, Adv.
...for KMC.

The Court:-The petitioner is aggrieved by the order of demolition dated 14th October, 2022 passed in respect of the unauthorized construction at premises no.4Y, Rashmoni Bazar Road, Ward No.34, Borough-III.

It has been submitted that the property is a thika property and the petitioner's husband Tapan Kumar Das was the recorded tenant who expired on 18th November, 2021.

The petitioner submits that the names mentioned in the order of demolition are Manik Chandra Das and Biplab Dutta & others.

The petitioner submits that notice ought to have been issued in the names of the proper persons.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, a part of the demolition has already been executed on 14th December, 2022.

It appears from the order impugned that the same is an appealable one. The time period within which the demolition ought to have been done has expired. The statutory period for filing the appeal is long over. At this stage, the Court is not minded to exercise jurisdiction in the matter.

It will be open for the petitioner to approach the proper forum for remedy, if so advised.

The writ petition fails and is, accordingly, dismissed.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(AMRITA SINHA, J.)

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