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12.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 89 of 2023

**Md. Shahnawaz Khan
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. C.R. Panda,
Mr. S.Chatterjee,
Mr. S. Bandyopadhyay,
Mr. Riaz Abedin,
Mr. Pradipta Siddhanta.
...For the Petitioner.**

**Mr. Alak Kumar Ghosh,
Ms. Manisha Nath.
...For KMC.**

**Ms. Sipra Majumdar,
Ms. Sangeeta Roy.
...For the State.**

**Ms. Soma Roy,
Mr. Souvick Mitra,
Ms. Subhasri Chatterjee.
...For the Respondent
Nos. 8 to 13.**

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

The structure standing at premises no. 37A, Taltala Lane, Kolkata-700016, Ward No.-62 within the jurisdiction of Kolkata Municipal Corporation is suffering an order of demolition passed by the Learned Special Officer (Building).

The order of demolition was affirmed by the Municipal Building Tribunal. Direction was passed for

demolition of the disputed structure within thirty days. The time period for completion of the demolition has expired long back.

Learned advocate appearing for the petitioner submits that part demolition has been effected but the entire unauthorized construction is yet to be demolished.

Learned advocate appearing for the Corporation is yet to receive instruction in the matter.

Learned advocate appearing for the private respondents submits that the instant writ petition has been filed out of spite and vengeance as the private respondents being the owners of the subject structure has filed a suit for eviction against the petitioner who claims to be the tenant of the subject structure.

Without entering into the issue of landlord and tenant as raised by the private respondents, as it appears that an order of demolition has been passed in respect of portions of the subject structure, it is obligatory for the Corporation to implement the order of demolition in its entirety.

The Executive Engineer (Building), Borough-VI of the Corporation is directed to take steps to conclude the demolition in accordance with the order of demolition passed by the Special Officer (Building) and remove all the debris of the demolished portion at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

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.)