

Ct. 24
Item No.21
30.06.2023
(Suvendu)

WPA 532 OF 2023

**Sk. Amir Hossain
Vs.
The Kolkata Municipal Corporation & Ors.**

Ms. Biswarup Biswas
Mr. Kajal Ray
Mr. Suman Nandi

...for the petitioner

Mr. Alope Kumar Ghosh
Mr. Dwijadas Chakraborty
Ms. Sabnam De

.....for the KMC

Mr. Biswajit Dutta

....for the State

The premises being 13A, Mansatala Lane, Ward No. 77, Borough No. IX under jurisdiction of the Kolkata Municipal Corporation is facing an order of demolition. The petitioner claims to be one of the persons responsible for making such construction.

It has been submitted that no notice of demolition proceeding was served upon the petitioner.

A report has been filed on behalf of the Kolkata Municipal Corporation. From the said report it is not very clear as to whether the notice of the demolition proceeding was at all served on the petitioner or not. The proceeding was allegedly initiated under Section

400(1) of the Kolkata Municipal Act, 1980. The person concerned is liable to be afforded an opportunity of hearing.

Exception filed on behalf of the petitioner to the report filed by the Kolkata Municipal Corporation is taken on record.

As an allegation has been made that there has been violation of principles of natural justice, accordingly, the impugned order of demolition dated 21st April, 2022 and all steps taken pursuant thereto are set aside.

The concerned officer of the Corporation is granted liberty to conclude the proceeding initiated to deal with the unauthorized construction in question in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A decision shall be taken in the matter at the earliest.

It is made clear that the Court has not entered into the merits of the order of demolition and the order of demolition is set aside only on the ground of non-compliance of the principles of natural justice.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)