

10
Ct No
24
AGM

24.02
2023

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

WPA 1508 of 2022

**Dipak Das
Vs
The Kolkata Municipal Corporation & Ors**

Mr. Sounak Bhattacharya,
Mr. Tirthankar Mukherjee,
... For the Petitioner.

Mr. Debjit Mukheerjee,
Ms. Susmita Chatterjee,
... For the K.M.C.

Mr. Susanta Pal,
Ms. Ananya Neogi,
... For the State.

The petitioner is suffering an order of demolition which is to be implemented on 28th February, 2023.

The learned advocate for the petitioner contends that his client intends to prefer appeal against the order of demolition but for want of the certified copy of the said order, the appeal cannot be preferred.

It was submitted by the learned advocate for the Corporation that the petitioner did not deposit the fees for obtaining the certified copy, and accordingly, the same could not be delivered.

The fees payable for issuing the certified copy is Rs. 1,000/- as it appears from the rates, taxes, fees and charges for the year 2022–23 of the Kolkata Municipal Corporation.

Learned advocate for the petitioner submits that his

client has visited the concerned office today for collecting the certified copy.

It will be open for the petitioner to prefer an appeal against the impugned order of demolition and seek necessary relief from the appellate forum.

For the ends of justice, the Executive Engineer (Civil)/Building Department Borough-III is restrained from giving any effect and/or further effect to the notice dated 15th February, 2023 issued under Sections 544 and 546 of the KMC Act 1980 till 24th March, 2023 or until further order, whichever is earlier.

It is made clear that in the event the petitioner fails to obtain any order of stay of the order of demolition from the appellate forum within the aforesaid time period, it will be open for the said Engineer to proceed with the demolition work.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)