

51
Ct
No24
AGM

16.06
2023

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

WPA 5283 of 2023

**Kakali Saha
Vs
Kolkata Municipal Corporation & Ors.**

**Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... for the KMC.**

**Mr. Amber Nath Banerjee
Mr. Amrita Panja Moulick
... For the State.**

None appears on behalf of the petitioner at the time of call.

The matter relates to the premises No. 45A, Banku Behari Chatterjee Road, Kasba under Ward No. 67, Borough –VII under jurisdiction of the KMC.

The petitioner alleges illegal and unauthorised construction at the subject premises.

Learned advocate representing the KMC has submitted instruction from the engineers of the KMC signed on 16.06.2023 that as per the order of the Special Officer (Building), the department took up the demolition programme for the unauthorised construction at the third floor as well as the unauthorised constriction over the car parking space by issuing notice under Section 544 and 546 of the KMC Act, 1980 but demolition could not take place

as the unauthorised portions are fully occupied.

Request has been made to the Deputy Commissioner of Police and the Officer-in-Charge, Kasba Police Station to vacate the unauthorised construction so that the demolition programme can be fixed.

As it appears that the KMC has already requested for providing police help for vacating the subject premises, accordingly, the Deputy Commissioner of Police (SSD) being the respondent no. 5 herein is directed take steps for vacating the subject structure and intimate the date of vacation to the KMC so that the men and agents of the Corporation may remain present at the spot and the demolition can continue simultaneously.

The Deputy Commissioner of Police (SSD) and the KMC shall take steps to implement the order of demolition in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication 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.)