

Item No.6

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.05.2023
Ct-24

WPA 10938 of 2023
Sagir Ahmed & Anr.

v.

The Kolkata Municipal Corporation & Ors.

Mr. Masud Karim
Mr. Galib Ahsan
Mr. Abhijit Chatterjee
... for the petitioners.

Mr. Gopal Chandra Das
Mr. Susmita Chatterjee
... for KMC.

The premises no. 43, Dr. Sudhir Bose Road, Ward No. 77, Borough-IX of the Kolkata Municipal Corporation is suffering an order of demolition under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 passed by the Executive Engineer (C)/ Building, Borough-IX dated February 17, 2023.

By the impugned notice dated March 18, 2023 the Assistant Engineer (C)/Building, Borough-IX, the persons responsible were intimated that the men and agents of the Kolkata Municipal Corporation shall enter the subject premises on March 30, 2023 for demolition of the unauthorized construction as per the order passed by the Executive Engineer on February 17, 2023.

It has been submitted that on the scheduled date i.e. March 30, 2023, the demolition programme did not take place and the next date of demolition was fixed on May 8, 2023. It has been submitted that on May 8, 2023

partial demolition did take place. The petitioner prays for stay of further demolition proceeding.

Learned advocate representing the Kolkata Municipal Corporation admits that the unauthorized portions have already been demolished.

Upon hearing the parties it appears that the demolition programme has already concluded.

At this stage, there is no scope for entertaining the writ petition. The same stands dismissed.

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

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

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(Amrita Sinha, J.)