

Item No.24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

12.06.2023
Ct-24
AGM

WPA 11606 of 2023

Kamal Mondal
v.
The Kolkata Municipal Corporation & Ors.

Mr. Sarbananda Sanyal
... for the petitioner.

Ms. Manisha Nath
... for the KMC.

The petitioner is aggrieved by the order of demolition dated 28th March, 2023. The order of demolition is an appealable one and the petitioner has already approached the statutory appellate forum.

In view of the subsequent action of the petitioner, there is no requirement of proceeding with the writ petition any further.

It will be upon for the petitioner to pray for necessary relief before the forum where the appeal is pending.

It will also be open for the petitioner to take steps for urgent hearing of the application for stay and the application seeking condonation of delay in filing the appeal before the Tribunal. The Tribunal shall consider

the prayer of the appellant keeping in mind that the Corporation is taking urgent steps for execution of the order of demolition.

It is made clear that this order is restricted only to the premises of which the petitioner claims to be the landlord. With regard to the other portion of the subject premises, it will be open for the Corporation to proceed with the order to demolition.

The writ petition stands disposed of.

Report filed by the Executive Engineer, Borough-VII dated 9th June, 2023 be retained with the records.

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

(Amrita Sinha, J.)