

Item No. 87(ml)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

9.01.2023
Ct-24

WPA 15422 of 2021
Jayhari Jana

v.

Kolkata Municipal Corporation & Ors.

Mr. Soumak Bera
... for the petitioner.

Mr. Hafizur Rahaman
... for the respondent no. 8.

The petitioner prays for implementation of the order of demolition passed by the Special Officer (Building) on September 14, 2020.

The persons responsible were directed to demolish the unauthorized structure which is a five storied and the other four storied building at 17A, Bakultala Lene, Ward No. 67, Borough-VII under the jurisdiction of the Kolkata Municipal Corporation.

Learned advocate representing the private respondent no. 8 submits, upon instruction that, the top floor of the building in question has already been demolished. An appeal has been preferred from the order of demolition being BT Appeal No. 92 of 2020 and the same is pending consideration before the Municipal Building Tribunal.

None of the parties have been able to produce any order from the competent authority showing stay of the order of demolition.

It appears that the order of demolition was passed in September 2020 and even till the end of 2022 the same is yet to be acted upon. The appeal in question appears to have been filed in the year 2022.

It is high time that the respondent Corporation take steps to implement the order of demolition which is in force till date.

In the event, the persons responsible fail to produce any order staying/setting aside the order of demolition prior to February 28, 2023, it will be open for the Kolkata Municipal Corporation to take steps for implementing the order of demolition in accordance with law.

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.

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(Amrita Sinha, J.)