

07
31.08.2023
d.p.

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

W.P.A 18432 of 2023

**Banashree Chatterji & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Srijan Nayak,
Mr. Atis Kumar Biswas.
...For KMC.**

Report filed on behalf of the Kolkata Municipal Corporation in Court today is taken on record.

It appears therefrom that unauthorized construction was made at premises no. FC-35 and FC-36, Rajdanga Main Road which are un-allotted plots of the KMDA acquired land under Ward No. 107.

An illegal and unauthorized three storied structure was constructed without any sanction or permission from any of the authorities.

The structure was constructed in such a manner that if allowed to stand the same would create several hazards like fire and environmental hazards.

Considering the gravity of the situation and safety of the public in general, the department recommended forthwith demolition of the unauthorized structure under Section 400 (8) of the Kolkata Municipal Corporation Act, 1980.

Decision was taken in the meeting of the Mayor-in-Council and the same was approved by the Mayor of the Corporation.

The report mentions that the demolition work has been carried out on 27.07.2023, 28.07.2023, 31.07.2023 and 01.08.2023 and the construction in the 1st, 2nd and 3rd R.C.C. slab floors has already been demolished.

Copy of the affidavit filed by the Corporation in Court today has been served upon the learned advocate appearing for the petitioners. There is no response from the petitioners.

None appears on behalf of the petitioners in Court today.

The Court by order dated 4th August, 2023 directed the petitioners to implead KMDA as party respondent in the instant writ petition and to serve copy of the writ petition upon the added respondent.

It appears that the said addition has also not been carried out by the petitioners.

In view of the above, the interim order passed by the Court on 4th August, 2023 is liable to be vacated and the same is, accordingly, vacated.

The order of demolition has practically been carried out to a considerable extent. Nothing further is required to be decided in the instant writ petition.

The Kolkata Municipal Corporation will be at liberty to conclude the demolition proceeding in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)