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31.08.2023
d.p.

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

W.P.A 21087 of 2023

**Biplab Mondal
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Dinendra Nath Chatterjee,
Mr. Partha Sengupta,
Mr. Biswaroop Sengupta.
...For the Petitioner.**

**Mr. Gopal Chandra Das,
Ms. Mabisha Nath.
...For KMC.**

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

The petitioner intends to prefer an appeal against the order of demolition passed by the Executive Engineer (Civil)/Building Department, Borough-XVI, Kolkata Municipal Corporation on 8th August, 2023.

The petitioner alleges that the office of the Kolkata Municipal Corporation refused to accept the application for supplying the certified copy of the order of demolition. For want of certified copy, the petitioner is not in a position to approach the statutory appellate forum.

On a perusal of the documents annexed to the writ petition, it is not evident whether or not the

petitioner at all applied for obtaining the certified copy of the impugned order of demolition.

It has been submitted that on one hand the Corporation is not supplying the certified copy of the order of demolition and standing in the way of the petitioner to approach the appellate forum and on the other hand, the Corporation has issued notice under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 intimating the petitioner that demolition work will be conducted on 1st September, 2023.

The petitioner submits that his statutory right to prefer appeal is being taken away on account of non-supplying the certified copy of the impugned order of demolition.

The allegation of non-acceptance of application for supplying certified copy is opposed and denied by the learned advocate appearing for the Corporation.

According to the provisions of law, a party aggrieved with the order of demolition has a legal right to prefer appeal before the statutory appellate forum within thirty days from the date of the order.

In the present case, the order of demolition was passed on 8th August, 2023. The petitioner still has some time in his hand to approach the appellate forum.

The executive engineer of the concerned Borough is directed to accept the application for obtaining certified copy from the petitioner and to supply the same within a period of 24 hours from the date of

making the application subject to payment of the requisite charges.

It will be open for the petitioner to approach the appellate forum in accordance with law.

The impugned notice under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 dated 21st August, 2023 is directed to be kept in abeyance till 30th November, 2023 or until further order whichever is earlier.

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.)