

27-09-2023
Item No.9
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.21129 of 2023
Shahnawaz Nasim @ Md. Shahawaz & Anr.
-vs-
The Kolkata Municipal Corporation & Ors.

Mr. Prosenjit Mukherjee
Mr. Md. Sakir
Mr. Saptarsi Chakraborty
Mr. Arghya Kamal Das ...for the petitioners

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee ...for the State

Mr. Barin Banerjee
Mr. Mihir Kundu ...for the Corporation

A report in the form of affidavit, pursuant to the last order dated August 31, 2023, has been filed on behalf of the Kolkata Municipal Corporation; let it be taken on record.

It appears therefrom that a notice under section 400(1) of the Kolkata Municipal Corporation Act, 1980 was affixed on the wall of the subject premises.

Learned advocate representing the Corporation submits that affixation was required, since the petitioners were not found at the subject premises.

The petitioners categorically admit that they were not present at the time of hearing, as they were not served with the notice of hearing. They intend to prefer an appeal against the order of demolition.

The Executive Engineer (Civil/Building), Borough-III is hereby restrained from giving any effect or

further effect to the order of demolition till November 30, 2023 or until further order, whichever is earlier.

It may be open for the petitioners to approach the appellate forum in accordance with law, if so advised.

The petitioners once apply for obtaining the certified copy of the impugned order of demolition, the same shall be handed over to them positively within 48 hours upon payment of the requisite charges.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

[Amrita Sinha, J]