

Sl. No.AD 14
02.11.2023
Court no.5
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*IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
W.P.A.25783 of 2023*

*Swami Santadas Institute of Culture & Anr.
Vs.
The Kolkata Municipal Corporation & Ors.*

Mr. Raghunath Chakraborty
Mr. Joydeep Das

.....for the petitioners.

Mr. Alok Kumar Ghosh
Mr. Gurudas Mitra
Mr. Atish Kumar Biswas

...for the KMC.

Mr. Santanu Kumar Mitra
Mr. Amartya Pal

..for the State.

Mr. Sanjoy Bose
Mr. Priyankar Basu Mallick

...for the respondent nos. 6,7 & 8.

Learned advocate appearing for the petitioners submits as follows. An order has been passed by the Municipal Corporation directing stay of demolition of a portion of the property where the petitioners are residing. The petitioners intend to file an appeal. Some kind of protection to be given in the meantime.

Learned counsel for the Kolkata Municipal Corporation submits as follows. The allegations made in the writ petition are denied. After rounds of several litigation, the matter was remanded back only on the point that the petitioners were not properly heard, on

the question of regularisation of the unauthorised construction. It was found that about 42% of the total construction were illegally done. There is no question of regularisation of such kind of unauthorised construction. It is doubtful whether an appeal is maintainable against such order.

Learned advocate for the respondent nos. 5 to 7 submits as follows. The private respondents are the owners of the property in question. It is a case where the tenants have made those unauthorised constructions in the respondents' property.

If an appeal lies against the order impugned, the petitioners shall be at liberty to prefer the same before the appropriate authority.

However, at this stage of self-demolition, no further order is required to be passed regarding any interim protection.

With the aforesaid observations, the writ petition being WPA 25783 of 2023 is disposed of.

Learned counsel for the private respondents undertakes to file vakalatnama on the reopening day after the puja vacation.

All concerned parties are to act in terms of a copy of this order downloaded from the official website of this court.

(Jay Sengupta, J.)

