

ADSL -1
09.11.2023
Ct. No. 5
(Vacation Bench)
SB

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25918 of 2023

Samiran Ghosal
-versus
CESC Limited and Ors.

Mr. Biswarup Bhattacharya
Mr. Rajarshi Dutta
Mr. Vishwarup Acharyya
...For the Petitioner

Mr. Gopal Chandra Das
Mr. Atish Kumar Biswas ... For K.M.C.

Dr. Madhusudan Saharay ... for the C.E.S.C.

Mr. Mainak Bose
Mr. Rahul Poddar
Mr. V.V.V. Sastry ... for respondent no. 7

Leave is granted to the advocate on record to
the petitioner to correct the group mentioned in the
zero page.

Pursuant to an order passed under Section
400(8) of the K.M.C. Act 1980, the C.E.S.C. Limited
has disconnected the electricity connection to the
unauthorized construction at premises no. 205/4,
Santosh Roy, Road, Ward No. 123 Borough – XVI,
Post – Haridevpur. The unauthorized construction is

a cast iron mobile tower over the three storied building.

The order records that the person responsible could not produce any sanctioned plan in respect of the said construction.

The petitioner is the owner of the subject premises. The respondent no. 7 is the lessee of the subject premises and is responsible for installing the cast iron mobile tower.

It is submitted by the petitioner and the private respondent that no notice was given prior to passing the order of demolition.

It has been submitted that in view of disconnection of electricity, several number of mobile / internet connections have been disrupted.

Learned advocate representing the CESC Ltd. Submits, upon instruction that, due notices were issued to the parties.

Upon hearing the parties and upon perusal of materials on record it appears that the Corporation invoked the emergent provision under Section 400(8) of the Act and passed order on 26.07.2023.

None of the parties, as yet, challenged the said order of demolition before the statutory Appellate forum. The petitioner, the person not responsible for

installing the unauthorized tower, intends to challenge the said order in the present writ petition.

As it appears that the impugned order was passed way back in July 2023, this Court is not inclined to interfere with matter at the stage.

It will be open for the aggrieved party to challenge the impugned order of demolition before the statutory appellate authority in accordance with law.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)