

16
23.11.2023
d.p.

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

W.P.A 26235 of 2023

**Haru Dutta
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Debjit Mukherjee,
Mr. Ramij Munsu,
Ms. Shahnaz Parveen,
Mr. Mriganka Patra.
...For the Petitioner.**

**Mr. Atish Kumar Biswas,
Ms. Debangana Dey Nayak.
...For KMC.**

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

A four storied structure has been constructed without obtaining any sanction at all at premises no. 232(P), Picnic Garden Road, Ward No. 67 under Borough-VII of the Kolkata Municipal Corporation.

Order of demolition was passed by the Special Officer (Building) as far back as on 27th September, 2022. The Corporation has taken steps for implementing the order of demolition.

Surprisingly, the copy of the order of demolition passed by the Special Officer (Building), Kolkata Municipal Corporation was not served upon the owner of the subject property being the writ petitioner herein.

The petitioner submits that he has a right to prefer a statutory appeal but in view of non-supplying the copy of the order of demolition, the petitioner cannot approach the statutory appellate forum.

Application for obtaining certified copy of the order of demolition was submitted on 17th November, 2023.

The Corporation ought to have served the order of demolition upon all the necessary parties. In view of the act on the part of the Corporation in not supplying the said order, the demolition cannot be made.

The concerned Officer of the Building Department, Borough-VII, Kolkata Municipal Corporation is directed to supply the certified copy of the order of demolition to the applicant within 48 hours upon payment of necessary charges.

As the order of demolition is yet to be communicated to the petitioner, accordingly, the said order of demolition ought not to be acted upon by the Corporation till 31st December, 2023 or until further order whichever is earlier.

The writ petition stands disposed of.

Instruction forwarded by the learned advocate appearing for the Corporation be retained with the records.

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

(Amrita Sinha, J.)