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30.11.2023
Court No. 24
AGM

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

W.P.A 26571 of 2023

**Abdul Barik
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Sourabh Guhathakurta
Ms. Nilanjana Sarkar
Mr. Abhratanu Sarkar
...For the Petitioner.**

**Mr. Barin Banerjee
Mr. Subrata Sikdar
... For the Kolkata Municipal Corporation.**

Supplementary affidavit filed in Court today be kept with the records.

The learned advocate for the petitioner submits that no notice of hearing in connection with the demolition proceeding was served upon the petitioner. The petitioner was not aware of the demolition proceeding at premises no. B/55/H/22, Hossain Shah Road, Ward 79, Borough IX of the Kolkata Municipal Corporation. Copy of the order of demolition was also not served upon the petitioner.

Learned advocate representing the KMC has produced the records of the case wherefrom it appears that the petitioner duly attended the hearing under Section 400 (1) of the KMC Act, 1980 and his presence

has been recorded in the attendance sheet maintained by the Corporation.

The aforesaid documents belie the submission made on behalf of the petitioner that he was not aware of the demolition proceeding and he did not have any chance to defend in the said proceeding. It appears that the demolition proceeding has been concluded and upon unauthorised construction being detected, the order of demolition has been passed.

As the Court is not convinced with the submission made on behalf of the petitioner, accordingly, no relief can be granted to the petitioner in the instant writ petition.

The records produced by the learned advocate representing the Corporation be returned.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)