

24-01-2023
Item No.16 AD
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.28021 of 2022
Jamshed Hossain

-VS-

The Kolkata Municipal Corporation & Ors.

None	...for the petitioner
Mr. Malay Singh Mr. Bibekananda Tripathi	...for the State
Mr. Subhrangsu Panda Ms. Ina Bhattacharya	...for the Corporation

The petitioner is not represented at the time of call.

Learned advocate representing the Kolkata Municipal Corporation has produced a resolution of the Mayor-in-Council of the Kolkata Municipal Corporation dated October 19, 2022 wherefrom it appears that steps taken under section 400(8) of the Kolkata Municipal Corporation Act, 1980 has been approved and it was resolved that as the “unauthorised construction is unsafe and may lead to accident resulting in loss of human life and property, appropriate action towards demolition of such unauthorised construction be taken forthwith with the help of the police force.”

As it appears that the Corporation already invoked provision of section 400(8) of the 1980 Act, accordingly, the Corporation is directed to proceed with demolition of the unauthorised construction in accordance with law.

The interim order granted on December 23, 2022, thus, stands revoked. The writ petition is disposed of.

The instructions and the approval of the Mayor-in-Council of the Corporation be taken on record.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]