

OD-10

ORDER SHEET
WPO No. 558 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

IMRAN KHAN
VS.
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 14th March, 2023.

Mr. Z. Rauf, Mr. S. Chakraborty, Advocates for the Petitioner.

Mr. Subhrangsu Panda, Ms. Debangana Dey Nayak, Advocates for KMC.

Ms. Tapati Samanta, Advocate for State.

Ms. K. Mukherjee, Mr. M. Das Gupta,
Advocates for Respondent no.8.

The Court:-The petitioner claims to be the tenant in respect of a portion in the 2nd floor of the premises no.33B, Ahiripukur Road, P.S.-Karaya, Kolkata-700019. A portion of the said building was constructed illegally and is accordingly suffering an order of demolition.

It has been admitted by all the parties that part demolition has already been executed in accordance with the direction passed by this Court on 24.02.2023 in WPA No.4010 of 2023 [Naila Rauf Vs. The State of West Bengal & Ors.]

The petitioner apprehends that in the garb of demolition of the unauthorized portion, the Corporation may demolish the authorized one.

On a perusal of the averments made in the writ petition it appears that, the petitioner has not mentioned the details of his apprehension in the writ petition. The portion occupied by the petitioner in the subject premises is not indicated. The writ petition has been filed on mere apprehension that the Corporation may take steps to demolish the portion constructed in accordance with the sanctioned plan.

Learned advocate representing the private respondent, Naila Rauf, submits that only a small portion of the subject premises has been demolished and the major portion of the unauthorized construction is yet to be demolished.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, the portion which was found to be unauthorized and vacant has been demolished. The other portions being occupied could not be demolished immediately but the same will be demolished within the time stipulated by the Court in the order dated 24.02.2023.

Submission of the petitioner is that the Corporation may demolish the portions which were constructed on the basis of the valid sanctioned plan appears to be unfounded. There is nothing on record to suggest that the Corporation may demolish any portion constructed on the basis of a valid sanctioned plan. It is expected that the Corporation will certainly take steps for demolishing the unauthorized portion and not the authorized one.

In view of the above, there is no reason to interfere in the present writ petition. Accordingly, the writ petition fails and is hereby dismissed.

Report filed by the Karaya Police Station is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)