

OD-4

ORDER SHEET
WPO No.978 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AVIJIT MUKHERJEE & ORS.
-Versus-
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 10th May, 2023.

Appearance:

Mr. Ratul Das, Adv.
Mr. Shoham Sanyal, Adv.
...for Petitioners.

Mr. Gopal Chandra Das, Adv.
Mr. Anand Farmania, Adv.
...for KMC.

Mr. Tanweer J. Mandal, Adv.
Ms. Somashree Dey, Adv.
Ms. Tuhina Paruih, Adv.
...for Respondent No.7.

Mrs. Sipra Majumder, Adv.
Mrs. Debarati Sen (Bose), Adv.
...for the State.

The Court:-The order impugned dated 21.01.2023 passed by the Special Officer (Building) of the Kolkata Municipal Corporation under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 is an appealable one.

Challenging the same, the petitioners have filed the instant writ petition and submitted that the impugned order is ex facie bad and order of retention could not have been passed as there are several infringements as recorded in the order itself.

Petitioners further submit that proper notice of hearing was not given prior to the hearing being conducted by the Special Officer (Building) of the Kolkata Municipal Corporation.

The aforesaid submission of the petitioner has been vehemently opposed by the learned advocates representing the Kolkata Municipal Corporation and the private respondents.

The Court is of the opinion that as there is a statutory provision for appeal, the petitioners ought to ventilate all grievances before the appellate forum. The appellate forum shall take a decision in the matter in accordance with law.

The writ petition stands disposed of.

Since the writ petition is disposed of without calling for any affidavit, the allegations made therein are deemed not to have been admitted by the respondents.

Report dated 10.05.2023 filed by the Officer-in-Charge of Girish Park Police Station be retained with the records.

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

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

(AMRITA SINHA, J.)