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ORDER SHEET

WPO/1325/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BISWAJIT BISWAS
-Versus-
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE JAY SENGUPTA

Date : 22nd August, 2023

Appearance:
Mr. Sumitava Chakraborty, Adv.
..for the petitioner

Mr. Subhrangsu Panda, Adv.
Ms. Manisha Nath, Adv.
...for the KMC

The Court: This is an application under Article 226 of the Constitution of India praying for a direction, *inter alia*, for the respondent authorities to consider and dispose of the representation made by the petitioner dated 15.6.2023 and thereby to regularise the unauthorised construction as indicated in the order dated 6.6.2022 in terms of the Kolkata Municipal Corporation (Regularisation of Building) Regulation, 2015 and not to take any coercive action against the petitioner till such representation is considered.

A copy of the document supplied by the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. By an order dated 26.7.2023, this Court directed the Executive Engineer to immediately forward the demolition sketch to the petitioner. It was further directed that such demolition sketch had been made part and parcel of the order, but was yet to be supplied to the petitioner. Accordingly, the order of demolition should not be made effective for a period of thirty days from the date of forwarding the demolition sketch. The petitioner had prayed for liberty to file exception to the report filed by the Kolkata Municipal Corporation. On 3rd August, 2023, the demolition sketch was supplied to the petitioner. Therefore, now the remedy lies for the petitioner to file an appeal in terms of Section 400 (3) of the Kolkata Municipal Corporation Act. The limitation period of thirty days mentioned therein may, accordingly, run from the date of supply of the sketch map.

Learned counsel appearing on behalf of the Kolkata Municipal Corporation submits that since the sketch map has already been supplied to the petitioner, his remedy would lie before the competent authority.

I have heard the submissions made by learned counsels for the parties and have perused the writ petition and the document supplied by the petitioner.

It appears that by an order dated 26.7.2023 passed earlier, this Court had already directed that demolition shall not be made effective for a period of thirty days from the date of forwarding the demolition sketch.

Admittedly, the demolition sketch was supplied to the petitioner on 3.8.2023.

Since the petitioner's remedy hereafter would lie in terms of Section 400 (3) of the Kolkata Municipal Corporation Act, he shall be at liberty to pursue the same and the limitation of thirty days mentioned in such provision shall run from the date of supply of sketch map to the petitioner, i.e., from 3.8.2023.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(JAY SENGUPTA, J.)