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ORDER SHEET
WPO No.1339 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAHIN SULTANA
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:7th July, 2023.

Appearance:
Mr. Arif Ali, Adv.
Mr. Sarban Bhattacharjee, Adv.
....for the Petitioner.

Mr. Gurudas Mitra, Adv.
Ms. Piyali Sengupta, Adv.
... for K.M. C.

Mr. Santanu Kumar Mitra, Adv.
Mr. Ganga Prasad Mukherjee, Adv.
..for the State.

Mr. Swarnendu Ghosh, Adv.
Mr. Ankur Jain, Adv.
...for the private respondents.

The Court:-The petitioner seeks implementation of the order of demolition dated 11th September, 2017 passed by the Special Officer, Kolkata Municipal Corporation.

It appears from the documents annexed to the writ petition and upon hearing learned advocates appearing on behalf of the parties that an appeal has been carried from the order of demolition before the statutory appellate forum being B.T. Appeal No.68 of 2017. By an order dated 09.12.2022, the said appeal stood dismissed for default. As on date, there is no order recalling the order of dismissal of the appeal for default.

In view of the above, there is no impediment on the part of the Corporation to proceed with the demolition order.

Learned advocate representing the persons responsible for making construction submits, upon instruction that, steps are being taken for recalling the order of dismissal and for restoration of the appeal.

In the event persons responsible fail to obtain any order of recall of the order of dismissal by 31st August, 2023, then it will be open for the Corporation to proceed with the execution of the order of demolition at the earliest.

The writ petition stands disposed of.

Affidavit of service filed in Court today 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.)

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