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ORDER SHEET
WPO No.1387 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SHAHEER AHMED
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:17th July, 2023.

Appearance:
Mr. Tarique Quasimuddin, Adv.
Mrs. Zainab Tahur, Adv.
...for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Mr. Debangshu Mondal, Adv.
...for KMC.

Sk. Mehbub Hossain, Adv.
..for Respondent no.5.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
...for the State.

The Court:-The petitioner seeks implementation of the order of demolition passed by the Special Officer (Building), Kolkata Municipal Corporation on 22.04.2019.

The matter relates to the premises no.10/H/2, Bibi Bagan Lane, Ward No.56, Borough-VII under the jurisdiction the Kolkata Municipal Corporation.

Special Officer (Building), Kolkata Municipal Corporation recorded in the order that a five storied building was constructed without any sanctioned plan from the Corporation. The same cannot be allowed in any circumstances and there is no other option but to demolish the building.

The persons responsible for making construction challenged the order of the Special Officer (Building), Kolkata Municipal Corporation before the

statutory appellate forum. The said appeal being B. T. Appeal No. 40 of 2019 stood dismissed for default on 31.05.2023. As on date, there is no order setting aside/modifying the order of demolition passed by the Special Officer (Building), Kolkata Municipal Corporation.

Learned advocate representing the persons responsible for making construction being the respondent nos.5, 6 & 7 is not ready with proper instruction.

Learned advocate representing the Kolkata Municipal Corporation submits that steps will be taken for implementation of the order passed by the Special Officer (Building), Kolkata Municipal Corporation.

In view of the above submissions and on perusal of the materials on record, it appears that the construction in question is absolutely unauthorized one and the same is suffering an order of demolition which was passed way back in 2019 and till date the same could not be implemented because of pendency of the statutory appeal before the appellate forum. The appeal being dismissed, at present there is no impediment on the part of the Corporation to implement the order of demolition.

In view of the above, the concerned Officer of the Kolkata Municipal Corporation is directed to take necessary steps for demolition of the unauthorized construction at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Officer-in-Charge, Entally Police Station is directed to render all necessary assistance and cooperation to the men and agents of the Kolkata Municipal

Corporation at the time of vacating and demolition of the unauthorized structure, if sought for.

Writ petition stands disposed of.

Report filed by the Officer-in-Charge, Entally Police Station signed on 14.07.2023 be retained with the records.

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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