

OD-6

ORDER SHEET  
WPO No.1587 of 2023  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

MD. NADIM & ORS.

VS.

THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:15<sup>th</sup> September, 2023.

Appearance:

Mr. Sounak Bhattacharya, Adv.

Mr. Tanmoy Sett, Adv.

Mr. Pan Gopal Das, Adv.

Mr. Subhojit Gupta, Adv.

... for the Petitioners.

Mr. Arijit Dey, Adv.

... for KMC.

Mr. Yashvardhan Deora, Adv.

...for State.

The Court:-The matter relates to the order of demolition passed under Section 400 (1) of the Kolkata Municipal Corporation Act, 1980 in respect of 50.0 sq. meter at premises no. B/43/H/7, Canal East Road, Ward No.29, Borough-III under jurisdiction of the Kolkata Municipal Corporation.

Petitioners claim to be the heirs and legal representatives of the recorded lessee, Samsuddin Ahmed.

Petitioners are aggrieved by the said order and intend to prefer statutory appeal before the appellate authority, but without certified copy of the order impugned, the petitioners are not in a position to approach the Municipal Building Tribunal.

Application for obtaining certified copy was filed on 04.09.2023. The petitioners allege that the same has not been supplied till date.

The Executive Engineer, Borough-III of the Kolkata Municipal Corporation is directed to immediately supply certified copy of the impugned order of demolition dated 18.08.2023 upon payment of the requisite fees.

It will be open for the petitioner to approach the appellate forum by 22.09.2023.

The Executive Engineer, Borough-III of the Kolkata Municipal Corporation is directed not to give effect to the order of demolition till 19.10.2023 or until further order, whichever is earlier.

It will be open for the petitioners to pray for stay of the impugned order of demolition before the Tribunal.

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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