

OD-8

ORDER SHEET
WPO No.1685 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

DR. SANJAY GUPTA
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

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

Appearance:
Mr. Sujit Banerjee, Adv.
Mr. Nilay Sengupta, Adv.
....for Petitioner.

Mr. Swapan Kr. Debnath, Adv.
Mr. Mihir Kundu, Adv.
... for K.M.C.

Mr. J. Ganguly, Adv.
Mr. Tanmoy Manna, Adv.
...for Respondent No.8.

The Court:-The petitioner seeks implementation of the order of demolition.

Learned advocate representing the private respondent submits, upon instruction that, a statutory appeal has been filed before the appellate forum and the date of hearing is fixed tomorrow i.e., on 11th October, 2023.

Learned advocate representing the Corporation has obtained instruction from the Executive Engineer, Building Department signed on 06.10.2023 mentioning that during inspection it was revealed that single storied RCC framed structured building along with extended columns over ground floor roof is going on. Stop work notice was issued with intimation to the Jorabagan Police Station. Further inspection revealed that the person responsible resumed the construction work defying the stop work notice. FIR under Section 401A of the Act was lodged. Proceeding was initiated under Section 400 (1) of the Act and an order of demolition has already been passed.

The statutory appeal being Municipal Building Tribunal Appeal No.180 of 2023 is pending consideration.

The parties admit that there is no order passed by the Tribunal staying the order of demolition.

The order of demolition is liable to implemented till the same is stayed/ modified/ set aside by the Court of competent jurisdiction.

The Corporation is directed to take steps to implement the order of demolition if the private respondent fails to obtain stay of the order of demolition by 22.12.2023.

The writ petition stands disposed of.

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

Instruction forwarded by the Corporation be retained with the records.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)