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ORDER SHEET
WPO No.1816 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TANVEER KHAN
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 6th December, 2023.

Appearance:
Mr. Ranajit Chatterjee, Adv.
Mr. Aniruddha Mitra, Adv.
...for Petitioner.

Mr. Swapan Kr. Debnath, Adv.
Ms. Tanushree Dasgupta, Adv.
...for KMC.

The Court:- The order of demolition dated 11th May, 2023 is under challenge before the statutory appellate forum. The petitioner has failed to obtain an order of stay from the said forum. The Kolkata Municipal Corporation has issued notice under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 to proceed with the demolition work.

The petitioner claims responsibility of making the construction at the subject premises. The petitioner submits that the notice of the demolition proceeding and the notice under Sections 544 and 546 was not issued upon the person responsible for making construction, instead the same has been issued in the name of a dead person.

It has been prayed that the demolition proceeding be stayed for the time being.

It appears from the order of demolition and the notice issued under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 that the same was issued in favour of Shakir Ali and others. One of the noticees may have died, but there is no record to show that all the noticees have either not received or have expired.

As the appeal is pending consideration before the statutory appellate forum, it will be open for the petitioner to approach the appellate forum for necessary relief.

The Court is not inclined to exercise jurisdiction in the writ petition. The writ petition fails and is hereby dismissed.

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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