

Item No.7
18.01.2024
Court. No. 24
GB

W.P.A. 1114 of 2024

Smt. Jhunu Ghosh & Ors.
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Rudranil De,
Mr. Anirban Das,
Mr. Subhronil Ghosh,
Ms. Aiswarya Mukherjee

...for the Petitioners.

Mr. Fazul Haque,
Mr. Dwijadas Chakraborty

...for the K.M.C.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioners submit that relying on a resolution adopted by the Mayor-in-Council approved by the Mayor invoking Section 400(8) of the Kolkata Municipal Corporation Act, 1980 in respect of the unauthorized construction at premises no.B/247/H/9, Maniktala Main Road, Ward No.29, Borough – III of the Kolkata Municipal Corporation, the men and agents of the Corporation visited the premises of the petitioners being B/247/H/8, Maniktala Main Road and have already demolished two floors of the said construction.

It has been submitted that the petitioners are thika tenants and they are not aware of any proceeding in connection with their premises regarding unauthorized construction.

Learned advocate representing the Corporation submits, upon instruction that, there is no order of

demolition in respect of the premises no.B/247/H/8, Maniktala Main Road.

It appears from the submission made on behalf of both the parties that there is a dispute with regard to the identification of the premises where the demolition work is being carried out. The petitioners insist that demolition has been made in respect of the premises no.B/247/H/8, whereas, the Corporation submits that there is no proceeding in respect of the aforesaid premises.

In view of the above, the instant writ petition is disposed of by restraining the officers of the Corporation to carry out any demolition work in respect of the premises no.B/247/H/8, Maniktala Road without due process of law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Amrita Sinha, J.)