

Item No.51

26.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 1537 of 2023
Ratan Shaw
v.
The State of West Bengal & Ors.

Mr. Binay Shaw
... for the petitioner.

Mr. Tanushree Dasgupta
... for KMC.

The petitioner alleges illegal and unauthorized construction at the behest of the private respondents.

Complaint lodged against such unauthorized construction is alleged to be kept pending.

None represents the private respondents.

Learned advocate representing the Corporation relies upon an unreported order dated July 18, 2023 passed by this Bench in WPA 16808 of 2023 (Buddhadev Kundu v. The Kolkata Municipal Corporation & Ors.).

It appears that the said Buddhadev Kundu has been impleaded as respondent no. 18 in the present writ petition. The said Buddhadev Kundu filed the writ petition challenging the notice under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980. The said notice was issued in furtherance of the order of demolition which was passed on June 15, 2023.

The submission of the writ petitioner that the Corporation did not take steps to consider the objection challenging the unauthorized construction does not appear to be proper. The Corporation has already detected unauthorized construction and issued the order of demolition.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)