

09
30.04.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 12095 of 2024

**Mohan Lal Rana
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Arif Quraishi,
Ms. Moumita Das Bairagi.
...For the Petitioner.**

**Mr. Rajarshi Basu.
...For the State.**

**Mr. Dwijadas Chakraborty,
Ms. Paroma Sengupta.
...For KMC.**

The petitioner is aggrieved by the notice issued under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 issued by the Executive Engineer (Civil)/Building, Borough-III on 12th April, 2024 intimating the owners and occupiers of the premises no. 11A, Gouri Shankar Ghosal Lane, Ward No. 30, Borough-III that the assistants and workmen of the Corporation will enter the subject premises today i.e. 30th April, 2024 for demolishing the unauthorized construction in terms of the order passed by the Special Officer (Building) on 9th August, 2023 under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

The petitioner submits that statutory appeal has been filed before the statutory appellate forum.

Prayer has been made to stay the operation of the order of demolition for the time being.

Learned advocate appearing for the Corporation relies upon the report filed by the engineers of the Corporation mentioning that the area of unauthorized construction is 332.726 sq.m.

The petitioner does not claim to be the person responsible for making construction and, accordingly, he does not have any right of audience in the proceeding under Section 400 of the KMC Act, 1980.

The order of demolition being an appealable one and appeal has been preferred by the petitioner. It will be open for the petitioner to approach the statutory appellate forum for relief.

No order is required to be passed in the present 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.

(Amrita Sinha, J.)