

09.12.2024
Item No. 65
Ct. 33
cm

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

W.P.A. 12210 of 2023

**Sk. Abbas Ali
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Sahasrangshu Bhattacharjee
Mr. Suchindram Bhattacharjee
... for the petitioner**

**Mr. Srijan Nayak
...for the K.M.C/respondent Nos. 1 to 4**

The report in the form of an affidavit has been filed by the learned advocate representing the K.M.C/respondent Nos.1 to 4 in compliance with the order dated 3rd October, 2024 passed by this Court.

The learned advocate representing the respondent Nos.1 to 4/KMC served copy of the report upon the learned advocate representing the petitioner in Court today.

It was further submitted that in view of the order dated 31.07.2024 passed by a coordinate Bench of this Court in WPA 19221 of 2024. The resolution adopted by the Mayor in Council in December 9, 2023 directing the demolition of the unauthorized constructions invoking Section 400(1) of the KMC Act, 1980 was set aside. However, the Corporation was granted the liberty to proceed against the petitioners for alleged unauthorized construction under Section 400(1) of the KMC Act, 1980.

The learned advocates representing the petitioner as well as respondent Nos. 1 to 4/KMC submitted, the premises in question in the instant writ petition had also been the subject-matter in the aforesaid writ petition being WPA 19221 of 2024.

Subsequent to the order of the coordinate Bench as aforesaid, the respondent Nos.1 to 4/KMC initiated the proceedings under Section 400(1) of the KMC Act, 1980 after issuing the notice under the same demanding for 50% security deposit considering the provisions of the aforesaid Section.

The compliance report mentioned in Paragraph 3 of the KMC Act, pursuant to the aforesaid order of the Division Bench was delineated in the aforesaid report. Since the issue in question has been decided by the coordinate Bench as aforesaid, the respondent Nos.1 to 4/KMC is to comply with the provisions of Section 400(1) of the Act.

The instant writ petition is accordingly disposed of.

In case the petitioner finds that the respondent Nos.1 to 4/KMC do have not complied with the order of this Court, necessary steps may be taken to inform the appropriate authority of such non-compliance.

(Ananya Bandyopadhyay, J.)