

Item No.09

In the High Court At Calcutta
Special Jurisdiction
Appellate Side

10.05.2024
Court No. 24
AGM

WPA 13463 of 2024

Irfan Ahmad & Anr.

v.

State of West Bengal & Ors.

Mr. Sandipan Banerjee.

Ms. Manisha Nath.

... for the K.M.C.

The matter was mentioned for taking up the same on urgent basis as the agents of the Kolkata Municipal Corporation was supposed to implement the order of demolition today in respect of the premises no. 15, Meher Ali Mondal Street, Ward-78, Borough-IX.

It appears that the Corporation proceeded in compliance of the direction passed by the Court on 26th June, 2023 in WPA 7041 of 2023 (Md. Akbar Ali Vs. Kolkata Municipal Corporation & Ors.) when upon detection of unauthorised construction the Court directed the Executive Engineer to initiate appropriate proceeding to deal with such unauthorised construction in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties.

From the impugned order of demolition, it appears that hearing was fixed on 28th July, 2023 and again on 18th December, 2023. The person responsible chose not to appear at the time of hearing.

The infringement statement mentioned in the order of demolition shows that there has been

infringement on all the four sides, in respect of the FAR and ground coverage. The structural design and the workmanship and the quality of materials are unknown. The Corporation proceeded to implement the order of demolition.

Learned advocate representing the Corporation submits that today (10.05.2024) is the date of demolition but due to non-availability of adequate police force, the demolition has been re-scheduled.

The Court does not find any error in the order of demolition, accordingly, the Court is not inclined to entertain the present writ petition.

The same stands dismissed.

The report filed by the Executive Engineer (Civil)/Building/Borough-IX dated 9th May, 2024 be retained with the records.

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

(Amrita Sinha, J.)