

48
10-12-2024
AKG
Ct. 15

WPA 14930 of 2024
Sri Tarun Kumar Das & Anr.
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Shankha Shubhra Mukherjee,
Ms. Barnali Saha
...for the Petitioners

Mr. Srijan Nayak,
Ms. Rituparna Maitra,
Mr. Subhrangshu Panda
...for KMC

Mr. Kamal Krishna Pathak,
Mr. Souvik Maji
...for Respondent Nos. 5 & 6

Mr. Swapan Banerjee,
Mr. Sougata Mitra
...for the State

Let the report filed by the Corporation be kept
with the records.

The petitioners were allotted two shops in the
“Super Market” at 312, Srinagar Main Road,
Chakgaria, Kolkata-700094 by two separate registered
lease deeds executed by New Garia Development Co-
operative Housing Society Ltd., the owner of the
market. A proceeding was initiated against the society
by Kolkata Municipal Corporation under Section 400(1)
of the Kolkata Municipal Corporation Act, 1980, for an
alleged encroachment of public path due to
construction of the market building.

Respondent nos. 5 & 6, the Chairman and the

Secretary of the Society respectively, filed WPA 9101 of 2024, challenging the demolition proceedings initiated by the Corporation.

A co-ordinate Bench of this Court by an order dated April 23, 2024, disposed of the said writ petition observing, inter alia, as follows:

“The Executive Engineer (Civil)/Building, Borough XII has filed a report before this Court signed on April 22, 2024 mentioning that the premises in question was inspected and it was found that the portion which was constructed unauthorizedly by encroaching upon the public road has been demolished by the petitioner to provide the road width of 16 feet in compliance of the order passed by the Special Officer (Building) dated 08.02.2024.

Report by the Executive Engineer (Civil)/ Building, Borough XII with the photographs annexed thereto be retained with the records.

In view of the aforesaid report which has been filed before this Court, there is no requirement of proceeding with the writ petition any further.

The writ petition stands disposed of.”

It appears that the two shop rooms allotted to the petitioner, by the society, were demolished in the said process.

By filing this writ petition, the writ petitioners contend that the remaining unauthorised portion of the relevant construction should also be demolished.

The report filed by the Corporation suggests that a further demolition proceeding under Section 400 (1) of the Kolkata Municipal Corporation Act, 1980 is in progress before the Special Officer (Building), Kolkata Municipal Corporation regarding the other unauthorised parts of the building.

I do not find any reason to keep this writ petition pending. In fact, the grievance of the petitioners has been redressed by the Corporation by initiating a further demolition proceeding.

The petitioner will be at liberty to approach the appropriate forum for redressal of their grievance, if any, against the society.

Accordingly, **WPA 14930 of 2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)