

27.09.2024
Sl. No.17
akd

**M. A. T. 1072 of 2024
(CAN 1 of 2024)**

[Naresh Bijay @ Naresh Vijayapi Sekh -Vs- The State of West Bengal & Ors.]

Mr. Debanik Banerjee
Mr. Samik Sarkar
Mr. Steven Souradip Biswas
... .. for the appellant

Mr. Srijan Nayak
Ms. Inna Bhattacharjee
... .. for the KMC

Mr. Bhaskar Prasad Vaisya .. Id. A.G.P.
Mr. Gourav Das
... .. for the State

1. Appellant has assailed the interim order whereby the Hon'ble Single Judge had directed Kolkata Municipal Corporation authorities to take steps in accordance with law in order to give effect to the order of the Special Officer directing demolition. Demolition order had been passed in October, 2023. Appellant who claims to be one of the co-owners of the building did not take steps against the said order. He submits he was unaware of the order till the same was placed before the Hon'ble Single Judge. It is his grievance he was not heard when the order came to be passed.
2. With regard to submission that the order was passed in breach of principles of natural justice appellant is unable to place before us any valid permission with regard to the construction in question. Plea of natural justice is not an empty formality but well established principles to achieve fairness in an adjudicatory process.

3. When the appellant is unable to place on record even a shred of material to justify the construction, we are of the opinion remanding the matter to the Special Officer for fresh hearing would serve no worthwhile purpose. No prejudice has been suffered by the appellant on this score. That apart, final order has not yet been passed by the Hon'ble Single Judge.
4. It is open to the appellant to canvass his case before the Hon'ble Single Judge in accordance with law.
5. With these observations, appeal is dismissed.
6. In view of dismissal of the appeal, connected application being CAN 1 of 2024 is also disposed of.
7. Interim order, if any, shall stand vacated.
8. There shall be no order as to costs.
9. Let photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)