

29.07.2024
ct. 6/SI. No.13
tkm

MAT 1202 of 2024
CAN 1 of 2024
CAN 2 of 2024
CAN 3 of 2024

Satyendra Singh & Ors.
Vs.
Jainath Shaw & Ors.

Mr. Robiujl Islam
Sk. Jayued Hossain
...for the appellants

Mr. Alok Kr. Ghosh
Mr. Mihir Kundu
...for KMC

Mr. Sujeet Kr. Maurya
...for respondent-writ petitioner

Re : CAN 3 of 2024

1. Having considered the averments made in the application for condonation of delay, delay in preferring the appeal, is condoned.

2. CAN 3 of 2024 is allowed.

Re : CAN 1 of 2024

3. Applicants claim to be the sub tenants in the property. Applicants seek leave to appeal against the judgment and order dated 31.10.2022 whereby the Hon'ble Single Bench directed respondent-corporation to consider the representation of the writ petitioner and after giving opportunity of hearing to all the necessary parties to pass a reasoned order with regard to the alleged unauthorized construction made on the premises.

4. Learned counsel for the appellants submits they are the sub tenants in the property and had not been given an

opportunity of hearing. Accordingly, they seek leave to prefer appeal.

5. Mr. Ghosh for the corporation submits the order was passed in October 2022 and the demolition order has already been passed which has been put into execution.

6. Learned counsel for the writ petitioner contends a G+four building was constructed on the premises without sanction plan by the promoter namely Pintu Singh who was duly notified and heard in the proceeding.

7. We have considered the submissions at the bar. The order impugned was passed in October 2022. Appellants remained quiet for almost two years and have approached this court only after demolition order has been passed. During hearing appellants are unable to produce any material to support the validity of the construction which is ordered to be demolished.

8. In this view of the matter we are of the opinion, no worthwhile purpose would be served in remanding the matter for fresh hearing when admittedly the G+four construction on the premises was without a sanction plan.

9. For these reasons we are not inclined to grant leave to appeal.

10. CAN 1 of 2024 is dismissed.

11. As a result, appeal and other connected applications are also dismissed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)