

Sl. No.53
24.09.2024
Suman
Ct. 15

WPA 17477 of 2024

Danishta Bashir
Vs.
The Kolkata Municipal Corporation and Ors.

Mr. Dinendranath Chatterjee

Mr. Partha Sengupta
Mr. Biswaroop Sengupta
..for the petitioner

Mr. N. C. Bihani
Ms. Debangana Dey Nayak
..for KMC

This Court passed the following interim order on
July 10, 2024.

“It is the grievance of the petitioner that a demolition order dated July 3, 2024, has been passed against her without affording an opportunity of hearing.

The Corporation submits that the petitioner was duly heard.

It has further been submitted by the petitioner that an appeal has been preferred before the Kolkata Municipal Building Tribunal but during pendency of the appeal, the Corporation is proceeding to implement the demolition order.

It is not in dispute that Building Tribunal is not functional as on date for want of a Judicial Member.

In that view of the matter, I direct the Corporation to produce the relevant records relating to the demolition order on the next date of hearing.

List this matter after seven days under the same heading.

The Corporation shall not proceed with the demolition order for ten days from date.”

Today the Corporation has produced the original records. The records have been inspected by the learned advocate appearing for the petitioner.

After perusal of the records, I am convinced that the petitioner was not only notified by the Corporation but he participated in the hearing also.

It is, therefore, clear that the petitioner has misled this Court for obtaining the interim order dated July 10, 2024.

In that view of the matter, I do not see any reason to entertain this writ petition.

Accordingly, **WPA 17477 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)