

Sl. No.1
24.12.2024
Suman
Ct. 15

WPA 18290 of 2024

Sri Vipul Tewari and Anr.
Vs.
Kolkata Municipal Corporation and Ors.

Md. Shahjahan Hossain
Ms. Sanjida Sultana
..for the petitioners

Mr. Sandipan Banerjee
Ms. Ina Bhattacharya
..for KMC

The instant writ petition was filed on July 12, 2024, challenging a notice issued by the Corporation under Section 401 of the Kolkata Municipal Corporation Act, 1980 in respect of a building at 358, Jodhpur Park, Post Office- Jodhpur Park, Kolkata-700068.

It is the allegation of the petitioners that during pendency of the writ petition, suddenly on December 23, 2024, without giving any notice, the Corporation started to demolish a construction on the terrace of the building.

I am of the view that the Corporation should not have initiated any demolition work in respect of the building without giving a due notice to the petitioners. In the facts of this, the Corporation could not have

invoked Section 400(8) of the Kolkata Municipal Corporation Act, 1980.

In that view of the matter, the Corporation is restrained from proceeding further with the demolition work in respect of the building in question.

This will not prevent the Corporation from initiating a proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 to ensure due compliance of natural justice.

Accordingly, **WPA 18290 of 2024** is disposed of.

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.)