

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

***M.A.T. 1397 of 2023
(CAN 1 of 2023)
(CAN 2 of 2023)
(CAN 3 of 2024)***

***Bishnupada Naskar
-Vs-
Dipali Naskar & Ors.***

For the Appellant : Mr. Falguni Bandyopadhyay, Adv.
Mr. Sukhen Bar, Adv.

For the State : Mr. Manas Kundu, Adv.
Mr. Debabrata Mondal, Adv.

For the KMC : Mr. N. C. Bihani, Adv.
Ms. Paushali Banerjee, Adv.

Heard on : 07.08.2024

Judgment on : 07.08.2024

Joymalya Bagchi, J. :-

1. Appellant alleges that he had made alterations in the property and the demolition order ought not to be given effect to.

2. We have considered the materials on record. The concerned Engineer had visited the site and made inspection of the premises. He

found that one storied brick structure had been constructed. Inspection report shows that the construction was without sanction plan. By no stretch of imagination the said construction can be said to be mere alterations to the existing structure. Demolition proceeding under Section 400(1) of the Kolkata Municipal Corporation Act was initiated and demolition order was passed by the Special Officer.

3. We are informed the Mayor-in-council had approved the demolition order.

4. In the light of the aforesaid, we are of the opinion the direction of the Hon'ble Single Judge directing necessary steps to be taken with regard to the said unauthorized construction by the respondent-Corporation does not call for interference.

5. Accordingly, appeal and the connected applications being CAN 1 of 2023, CAN 2 of 2023 and CAN 3 of 2024 are disposed of.

6. There shall be no order as to costs.

7. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

akd

