

06.08.2024

Ct No.6

as

21

MAT 1454 of 2024

with

CAN 1 of 2024

with

CAN 2 of 2024

with

CAN 3 of 2024

Md. Adil & Anr.

Vs.

State of West Bengal & Ors.

Mr. Kushal Chatterjee,

Mr. Oishik Chatterjee.

...for the Appellants.

Mr. Pinaki Bhattacharyya,

Mr. Subhra Nag.

...for the State.

Re: CAN 2 of 2024.

1. Heard the learned Advocates for the parties.
2. Having considered the averments in the application for condonation of delay and being satisfied, delay in preferring the appeal is condoned.
3. Accordingly, the application being CAN 2 of 2024 is disposed of.

MAT 1454 of 2024

with

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4. Applicants are purchasers of flats in the unauthorized construction. A demolition order under

Section 400(8) of the Kolkata Municipal Corporation Act was passed for demolition the unauthorized construction. The said order was directed to be implemented by the Hon'ble Single Judge with police help. The order came to be upheld by the Hon'ble Division Bench.

5. The unauthorized construction had not been made at the instance of the applicants. They claim to be *bonafide* purchasers for value of flats in the unauthorized construction. This cannot give a right to the applicants to challenge the order of demolition directed to be implemented by the Hon'ble Single Judge.

6. It is open to the applicants to seek his appropriate relief in accordance with law, if so advised against the owner and/or developer who illegally constructed the building.

7. With this observation, leave to prefer appeal, being CAN 1 of 2024, is dismissed.

8. Consequently the appeal and the connected application are also dismissed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)