

03.09.2024
Sl. No. 133
AKG
Ct. 15

WPA 22017 of 2024
Ram Babu Shah
-vs-
The Kolkata Municipal Corporation & Ors.

Mr. Dinendranath Chatterjee,
Mr. Partha Sengupta,
Mr. Biswaroop Sengupta
...for the Petitioner

Mr. Nayan Chand Bihani,
Ms. Poushali Banerjee
...for KMC

The petitioner challenges a demolition order enclosed with a letter dated August 12, 2024, issued by the Executive Engineer (C), Building Department, Borough-IX, Kolkata Municipal Corporation.

The demolition order was passed against the petitioner on June 27, 2024.

In the said demolition order, the area of total unauthorised construction was mentioned as 358.450 square meters. The petitioner challenged the said demolition order before the Building Tribunal of the Corporation and the said appeal is pending.

Thereafter by the subsequent letter dated August 12, 2024, the Corporation clarified as follows:

“This is to inform you that a demolition order passed from Executive Engineer (C), Building, Br-IX Dated 27.06.2024 where the building is shown five storied in place of G+III storied. It is a typing mistake. Actually, the building is G+III storied. The demolition order is remaining

unchanged. So, a rectified demolition order is enclosed herewith.”

Therefore, in my view, there is no fresh demolition order issued by the Corporation that requires to be challenged in this writ petition. Only the demolition order dated June 27, 2024, is operative.

Since the petitioner has already challenged the demolition order June 27, 2024, before the Building Tribunal, I do not find any fresh cause of action to file this writ petition.

Accordingly, **WPA 22017 of 2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)