

Sl. No.80
26.09.2024
Suman
Ct. 15

WPA 23338 of 2024

Shakir Manvi and Anr.
Vs.
The Kolkata Municipal Corporation and Ors.

Mr. Sounak Bhattacharya
Mr. Sumitava Chakraborty
Mr. Sounak Mondal
Ms. Bratati Pramanick
..for the petitioner

Mr. Subhrangsu Panda
Ms. I. Bhattacharyya
..for KMC

The petitioners apprehend that without giving any due notice, the Corporation will demolish the building at premises no.J-206/1, Paharpur Road, Garden Reach, Police Station-Garden Reach, Ward No.133, Borough-XV, Kolkata –700024.

The petitioners claim ownership over the said building.

Mr. Panda, learned advocate appearing for the Corporation submits that on routine inspection, it was found that though the petitioners obtained a sanctioned plan for a G+5 storeyed building, they made some deviations from the approved construction. Accordingly, the Corporation has issued a stop work notice under Section 400(1) of the Kolkata Municipal

Corporation Act, 1980 and sent a proposal to initiate a proceeding for demolition under Kolkata Municipal Corporation Act, 1980.

Mr. Panda submits that the Corporation has not yet decided under which Section of the said Act of 1980, the demolition proceeding is to be initiated. The proposal is under consideration only.

After hearing the parties, I am of the view that the facts and circumstances of the case do not justify invocation of 400(8) of the Kolkata Municipal Corporation Act, 1980. The apprehension of the petitioners is not unjustified.

However, the Corporation will be at liberty to initiate the demolition proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980, if it so thinks, after giving due opportunity of hearing to the petitioners.

Accordingly, **WPA 23338 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.)