

30.08.2024
Item No.169
Ct. No. 15
AKG

WPA 25456 of 2022
With
CAN 1/2024
Surinder Kaur
Vs.
The Kolkata Municipal Corporation & Ors.

Ms. Somali Mukhopadhyay
...for the Petitioner

In Re : CAN 1/2024

This is an application for restoration. Having regard to the averments made in paragraph nos. 3 4 to 6 of this application, I am of the view that the petitioner has sufficiently explained the reason for his non-appearance on May 15, 2024.

Accordingly, **CAN 1/2024** is allowed and this writ petition is restored to its original file and number.

In Re.: WPA 25456 of 2022

In the earlier round of writ petition (WPA 12074/2021), the petitioner alleged unauthorised construction at the behest of respondent nos. 7 to 9.

A Co-ordinate Bench of this Court by an order dated December 10, 2021, disposed of the said writ petition giving a direction upon the Corporation to pass a reasoned order.

In compliance with the said order dated December 10, 2021, a demolition order was passed by

the Executive Engineer (Civil), Building Department, Borough – IV & V on April 30, 2022.

The present writ petition has been filed with the grievance that the said demolition order dated April 30, 2022, has not been implemented by the Corporation.

It appears that during pendency of the writ petition, the Corporation has carried out the demolition work at the relevant premises.

Learned advocate appearing for the petitioner, however, submits that the entire unauthorised construction has not been demolished, only a part of the unauthorised construction has been demolished by the Corporation.

She prays for a direction upon the Corporation to demolish the entire unauthorised construction.

From the photographs annexed to the supplementary affidavit filed by the petitioner, it appears that the Corporation has executed the demolition order at the relevant premises.

In that view of the matter, I am not inclined to keep this writ petition pending. I, however, grant liberty upon the petitioner to make a representation before the Executive Engineer (Civil), Building Department, Borough – IV & V, Kolkata Municipal Corporation for demolition of the remaining unauthorised construction, if any.

If such representation is made within a period of two weeks from date, the same shall be considered by the Executive Engineer (Civil), Building Department, Borough – IV & V, Kolkata Municipal Corporation within one month thereafter.

WPA 25456 of 2022 as well as **CAN 1/2024** 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.)