

17-01-2024
Item No.13
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.24890 of 2023
Imran Ali
-vs-
The State of West Bengal & Ors.

Mr. D. Das
Mr. Kartik Dey ...for the petitioner

Ms. Mitali Mukherjee
Mr. Supriya Majumder ...for the State

Mr. Fazlul Hoque
Ms. Poushali Banerjee ...for the Corporation

The updated report as directed to be filed by the State, particularly the police, pursuant to the order dated January 3, 2024, has not yet been filed.

It appears from the instructions of the engineers of the Corporation that the structure standing on 155/H/1, Keshab Chandra Sen Street, Ward No.38, Borough-IV of the Kolkata Municipal Corporation is unauthorised. The authority of the Corporation has invoked the provision of section 400(8) of the Kolkata Municipal Corporation Act, 1980 and claimed to have demolished the portion of the subject structure.

Learned advocate for the petitioner asserts that the construction is still going on, and that the demolition is a mere cosmetic one.

As the Corporation appears to have invoked section 400(8) of the 1980 Act, accordingly it is incumbent for the Corporation to demolish the entire unauthorised construction without any further delay.

Any delay in demolishing the same may create further legal ramifications, as the person responsible may transfer/alienate the unauthorised structure in favour of any unsuspecting buyers and may resort to various methods for stalling the demolition. The Corporation ought to implement the order of demolition forthwith by fixing dates of demolition in such a manner that the demolition is conducted and concluded at the earliest and in any event positively by February 29, 2024.

The Commissioner of Police, North and North Suburban Division, Kolkata Police is directed to render all necessary help and assistance to the men and agents of the Corporation by providing enough police personnel at the locale at the time of demolition of the subject structure.

WPA No.24890 of 2023 is disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

