

19.11.2024
Sl. No.67
Ct. No.15
S.A.

WPA 27621 of 2024

Md. Murtaza & Anr.

-vs-

Kolkata Municipal Corporation & Ors.

Mr. Mainak Bose
Mr. Rishabh Karnani
Mr. Aniket Nanda
Mr. Altamas Kabir

...for the petitioners

Ms. Debangana Dey Nayak

...for K.M.C.

It appears that a demolition order has already been passed by the Corporation in respect of the relevant property. A Co-ordinate Bench of this Court, by an order dated October 7, 2024, in CC 68 of 2024 passed further orders for the implementation of the demolition order.

The writ petitioners, by filing this writ petition, seek to resist the demolition, asserting that they are tenants of the building in question. The petitioners contend that they are in settled possession and that, at the time of passing the demolition order, they were not afforded an opportunity to be heard.

I am unable to accept the argument advanced by Mr. Mainak Bose, the learned advocate for the petitioners.

From a perusal of Section 400 of the Kolkata Municipal Corporation Act, 1980, it is clear that only

the person responsible for the construction is entitled to such notice.

Mr. Bose has placed reliance upon the judgment of the Hon'ble Supreme Court reported at **(2024) SCC OnLine SC 3291 (*In Re: Directions in the matter of demolition of structures*)**.

I am of the view that this case cannot be re-opened on the basis of the aforesaid judgment. In a contempt proceeding, a Co-ordinate Bench has already issued necessary direction for demolition. The order as prayed for in this writ petition, if granted, would amount to an interference with the said proceeding.

In light of this, I am not inclined to entertain the present writ petition.

Accordingly, **WPA 27621 of 2024** is dismissed.

The petitioners are at liberty to approach the Corporation to obtain a copy of the demolition order in accordance with the law.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)