

Court No. 2
25.11.2024
(Item No. ADSL
3)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 27760 of 2024

Rajarsi Basu
VS
The State of West Bengal & Ors.

Mr. Manojit Bhattacharya
Ms. Sumitra Bhattacharya
Mr. Amalendu Bikash Dutta
.... For the petitioner
Mr. Rahul Karmakar
Mr. Santu Nandy
.... For respondent No. 7
Mr. Gopal Chandra Das
.... For KMC

Upon urgency being pleaded that the Corporation has started a work of demolition of the subject premises at about 12.30 noon and in view of the assignment of the determination before this Court, this writ petition has been taken up for consideration by publishing the same in the supplementary list.

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Manojit Bhattacharya, learned counsel appears for the petitioner.

Mr. Rahul Karmakar, learned counsel appears for respondent No. 7.

Respondent Nos. 6 and 8 are not represented.

The affidavit of service shows notice was given to the respondents that this writ petition shall be moved before the Regular Bench on November 25,

2024 but since the regular bench is not available today this writ petition has been moved before this Court since the determination has been assigned but no further notice has been served upon the respondents that the writ petition shall be moved before this Court.

The petitioner in **paragraph 5** to the writ petition has alleged that on **November 14, 2024** the private respondents in connivance with local goons, with the impugned notice under **Section 411** of the **Kolkata Municipal Corporation Act, 1980** tried to demolish the subject property with an ulterior motive for an illegal and unauthorized occupation. **Annexure P-4** at **pages 29 to 36** are the collective representations made before the Corporation authorities as would be evident from **paragraph 6** to the writ petition. Save and except this no other evidence has been disclosed in the writ petition. A plaint filed by the petitioner in **Title Suit No. 1376 of 2022** has been disclosed at **page 37** to the writ petition which was filed against *inter alia* the private respondents arising out of a private dispute.

In course of the hearing learned counsel for the petitioner places a notice issued by the Corporation dated **November 14, 2024** under **Section 411(1) of 1980 Act**, the same is taken on record. The notice speaks for the necessary repairing

work to be carried out by the owners and occupiers of the subject premises and there is no threat for any demolition.

In view of the above, this Court observes that, in the event, the Corporation proceeds for demolition of the subject premises it shall proceed by following the due process of law.

It is made clear that, the said notice dated **November 14, 2024** is not interfered with.

With the above observations and directions, this writ petition, **WPA 27760 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)