

OD-4

ORDER SHEET
WPO No.126 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TUHIN MUKHERJEE
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 1st March, 2024.

Appearance:
Mr. Arindam Banerjee, Adv.
Mr. Shoham Sanyal, Adv.
Mr. Sumit Biswas, Adv.
Mr. Rajasree Bhowmick, Adv.
....for the Petitioner.

Mr. Srijan Nayak, Adv.
Mr. Gopal Chandra Das, Adv.
....for KMC.

Ms. Mani Sarkar Chattopadhyay, Adv.
Mr. Subhasish Shaw, Adv.
...for the Respondent Nos.4 & 5.

The Court:- The petitioner is aggrieved by the order of demolition passed by the Special Officer [Building] of the Kolkata Municipal Corporation on 11.10.2023. For passing the final order in the matter, the Special Officer [Building] conducted hearing on two dates. First was on 10.01.2023 and second on 05.10.2023. Though the notice of hearing was served upon the petitioner on 10.01.2023 but notice of hearing for 05.10.2023 reached the petitioner after the hearing was over.

Learned advocate representing the Corporation has confirmed that the notice of hearing for 05.10.2023 did not reach the petitioner prior to the hearing being conducted.

That being the situation, the Court is inclined to set aside the order passed by the Special Officer [Building] of the Kolkata Municipal Corporation on 11.10.2023 only on account of non compliance of the principle of natural justice.

The Court has not entered into the merits of the impugned order of demolition.

In view of the above, the impugned order of demolition dated 11.10.2023 is set aside.

Special Officer [Building] of the Kolkata Municipal Corporation is directed to conduct the hearing afresh upon giving reasonable opportunity of hearing to all the necessary parties at the earliest and conclude the hearing positively by 30.04.2024.

Notice of hearing shall positively be served upon all the parties well in advance of the date of hearing.

Writ petition stands disposed of.

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

(AMRITA SINHA, J.)