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ORDER SHEET

WPO No.350 of 2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ASHOKE KUMAR DE
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 16th May, 2024.

Appearance:

Mr. Arunangshu Chakraborty, Adv.
Mr. N. C. Maity, Adv.
...for the Petitioner.

Mr. Alak Kr. Ghosh, Adv.
Ms. Tanushree Dasgupta, Adv.
...for the KMC.

Mr. Subhrangsu Panda, Adv.
Ms. Ira Bhattacharya
Mr. Sumitava Chakraborty, Adv.
...for the Respondent no.11.

Mr. Sabyasachi Mondal, Adv.
...for the State.

The Court:-The matter relates to certain construction at 8/3, Chintamoni Das Lane, Ward No.40, Borough-V of the Kolkata Municipal Corporation.

An order of demolition has been passed by the Executive Engineer [Civil]/Building on 5th July, 2023 under Section 400[1] of the Kolkata Municipal Corporation Act, 1980.

The petitioner complains that the unauthorized construction is yet to be demolished.

Learned advocate representing the person responsible for making construction submits, upon instruction that, an appeal has been carried

from the order of demolition being B. T. Appeal No.167 of 2023 [Gurudas Saha Vs. Municipal Commissioner & Ors.] and the Municipal Building Tribunal, Kolkata Municipal Corporation has been pleased to pass an order on 15th September, 2023 staying operation of the order of demolition till disposal of the appeal.

As the order of demolition has been stayed by the appellate forum, accordingly, it will be open for the writ petitioner to approach the forum for necessary relief.

The Tribunal is requested to dispose of the appeal expeditiously.

The writ petition stands disposed of.

Report filed on behalf of the Kolkata Municipal Corporation and Officer-in-Charge, Amherst Street Police Station signed on 27.04.2024 be retained with the records.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)