

OD-7

ORDER SHEET
WPO No.355 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AZDER ALI MIRZA

-Versus-

THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 7th May, 2024.

Appearance:

Mr. Musarrat Saba Adv.
...for Petitioner.

Mr. Gurudas Mitra, Adv.
Ms. Paroma Sengupta, Adv.
...for KMC.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
...for the State.

The Court:- The petitioner complains of illegal and unauthorized construction at B/2/1/H/2, Maulana Abul Kalam Azad Sarani, Ward No.29, Borough-III of the Kolkata Municipal Corporation. Complaint lodged against such unauthorized construction is allegedly pending consideration at the end of the Corporation.

Learned advocate representing the Corporation submits, upon instruction from the engineers signed on 03.05.2024 that departmental inspection was conducted and it was found that the unauthorized construction was continuing. Department issued stop work notice with intimation to the police station on 17.06.2023.

Proposal to take steps under Section 400 of the Kolkata Municipal Corporation Act, 1980 was forwarded to the higher authority on 24th June and 27th July, 2023. Mayor approved action under Section 400(8) of the Act. Part demolition was executed on 11th and 12th March, 2024. Further demolition has been fixed on 14th and 15th May, 2024.

As it appears from the instruction forwarded by the engineers that Section 400(8) of the Act has been invoked and part demolition has been carried out, accordingly, the Corporation is directed to conclude the demolition proceeding on the scheduled dates. Demolition shall continue on day-to-day basis till the entire construction, both the internal and external, is brought down.

Officer-in-Charge, Narkeldanga P.S. is directed to render all necessary help and assistance to the men and agents of the Corporation at the time of implementing the order of demolition. The occupants or the person responsible for raising the construction including the private respondents are restrained from interfering in any manner whatsoever with the demolition process.

Officer-in-Charge, Narkeldanga P.S. shall take steps for vacating the structure if it is found to be occupied. The date of vacating shall be affixed by the police at various conspicuous spaces of the subject structure to make the occupants aware of the date of vacating and demolition.

The writ petition stands disposed of.

Report filed by Officer-in-Charge, Narkeldanga P.S. signed on 02.05.2024 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.)