

IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
ORIGINAL SIDE

APOT/165/2024  
WITH WPO/1498/2023  
GA/1/2024  
MD. SAKIL.  
VS  
RAJENDRA RAM AND ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE  
The Hon'ble JUSTICE PRASENJIT BISWAS  
Date : 14<sup>th</sup> May, 2024. .

*Appearance:*  
*Mr. Rudranil De, Adv.*  
*Mr. Subhronil Ghosh, Adv.*  
*.....for appellant*  
*Mr. Alak Kr. Ghosh, Adv.*  
*Mr. Gopal Chandra Das, Adv.*  
*...for KMC*  
*Mr. Debangshu Dinda, Adv.*  
*...for the State.*

The Court:- The basic grievance of the appellant, as recorded in our order dated May 9, 2024, is that although there is no demolition order in respect of his property being premises no. B/134/8/2, Tiljala Road, Kolkata, a demolition notice has been pasted on the outer wall of his premises which pertains to premises No. 134/H/3, Tiljala Road, Kolkata. We had requested Mr. Ghosh, learned senior Counsel representing Kolkata Municipal Corporation (in short 'KMC') to obtain instructions as to whether or not KMC has issued any demolition order in respect of premises no.

B/134/H/2, Tiljala Road, Kolkata of which the appellant claims to be the owner.

Today Mr. Ghosh has filed a short report dated May 13, 2024 signed by two officers of KMC, which is to the effect that KMC has not issued any demolition order in respect of premises no. B/134/H/2, Tiljala Road, Kolkata, Ward -065, Borough -VII. Let the report be kept with the records.

In view of the aforesaid, we only clarify that without KMC issuing a demolition order following due process of law, in respect of premises no. B/134/H/2, Tiljala Road, Kolkata, no coercive action will be taken against such premises.

The appeal being APOT/165/2024 and the connected application being GA/1/2024 are accordingly disposed of.

Since we have not called for affidavits, the allegation made in the stay application are deemed not to have been admitted by the respondents.

(ARIJIT BANERJEE, J)

(PRASENJIT BISWAS, J.)

dg/