

ORDER SHEET

WPO/402/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SATYAM PANDEY

VS

THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 22nd May, 2024.

Appearance:

Mr. Sandipan Banerjee, Adv.

Ms. Manisha Nath, Adv.

...For the KMC

Ms. Sabnam De, Adv.

Mr. Bikramjit Mandal, Adv.

...For the State

The Court: None appears on behalf of the petitioner at the time of call.

Learned advocate for the Corporation is ready with instruction. Keeping the writ petition pending or dismissing the same for default, will not serve any purpose.

On perusal of the prayer made in the writ petition, it appears that the petitioner has sought for a direction upon the Corporation to demolish the illegal construction at B/2B/H/9, Dr. M.N. Chatterjee Sarani, Kolkata-9, Ward No. 28, Borough - IV under the jurisdiction of the Kolkata Municipal Corporation.

Learned advocate representing the Kolkata Municipal Corporation has obtained instruction from the engineers wherein it is mentioned that site inspection revealed that the person responsible constructed several numbers of RCC column along with tie beam and shuttering work for stair and beam at the ground floor. On demand, the person responsible failed to produce any valid document in respect of the construction made. Notice under Section 401 of the KMC Act, 1980 was issued on 2nd November, 2023 with intimation to the Narkeldanga Police Station and FIR under Section 401A of the KMC Act, 1980 was registered on 22nd December, 2023. Person responsible continued with the constructional work defying all steps taken by the Corporation to stop the same.

Demolition proceedings were placed before the higher authority and order has been passed under Section 400(8) of the KMC Act, 1980 and demolition took place on 5th March, 7th March and 9th March, 2024 with the assistance of Narkeldanga Police Station. Further demolition work has been fixed on 22nd May, 2024.

The Corporation is directed to fix up dates of demolition in such a manner so that the demolition process can continue on day-to-day basis till the entire unauthorised construction, both internal and external, is brought down completely.

The Officer-in-Charge, Narkeldanga Police Station is directed to take steps for vacating the subject structure in aid of demolition. The date of demolition shall be intimated by way of notices affixed at various conspicuous

places in and around the subject structure for knowledge of all concerned. The Officer-in-Charge, Narkeldanga Police Station shall render all necessary assistance to the men and agents of the Corporation at the time of implementation of the order of demolition.

The writ petition stands disposed of.

Report filed by the Narkeldanga Police Station dated 13th May, 2024 be retained with the record.

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

(AMRITA SINHA, J.)

TR/