

ORDER SHEET

WPO/403/2024

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 writ petition, it appears that the petitioner prays for an order of demolition of the unauthorized structure at B/7/3/H/2, Dr. M.N. Chatterjee Sarani, Kolkata-9, Ward No. 36, Borough – V under the jurisdiction of the Kolkata Municipal Corporation.

Learned advocate representing the Kolkata Municipal Corporation relies upon the instruction forwarded by the engineers signed on 21st May, 2024

which mentions that the person responsible constructed several numbers of RCC column along with tie beam and shuttering work for stair and beam in the ground floor to the 1st floor. The person responsible failed to produce any valid document in respect of the construction made.

The department took step under Section 401 of the KMC Act, 1980 on 29th September, 2022 with intimation to the Narkeldanga Police Station and thereafter FIR under Section 401A of the KMC Act, 1980 was registered. Round the clock police posting was sought for and demolition file was forwarded to the higher authority for taking necessary steps. Despite all efforts taken, the person responsible continued to construct five storied building.

The Corporation lastly invoked the provision under Section 400(8) of the KMC Act, 1980. Date of demolition was fixed on 16th September, 2023. The department could not, however, proceed with the work of demolition in view of the order passed by this Court on 12th September, 2023 in WPO 1585 of 2023 (Md. Omar @ Raja vs. The Kolkata Municipal Corporation & Ors.). After the interim order passed in the aforesaid matter expired the Corporation has again taken steps under Section 400(8) of the Act and caused part demolition on 21st November, 2023. The Corporation is yet to fix up further dates of demolition.

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

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. The Officer-in-Charge, Narkeldanga Police Station shall render all necessary assistance to the men and agents of the Corporation at the time of implementing 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 records.

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

(AMRITA SINHA, J.)

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