

ORDER SHEET

WPO/517/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GANESH TIWARI
Vs
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 11th December, 2024.

Appearance:

Mr. Chittapriya Ghosh, Adv.
Ms. Priya Ghosh, Adv.
...for the petitioner

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

Mr. Sandipan Banerjee, Adv.
Ms. Manisha Nath, Adv.
...for KMC

The Court: It appears that the demolition order dated March 20, 2023, issued by the Kolkata Municipal Corporation under Section 400(1) of the Kolkata Municipal Corporation Act, has not yet been executed.

Furthermore, it appears that an appeal, BT Appeal No. 76 of 2023, was filed before the Municipal Building Tribunal by the aggrieved party against the aforementioned demolition order.

A Co-ordinate Bench of this Court, by an order dated April 20, 2023, passed in WPO No. 3279 of 2022, directed the Corporation to transmit the

case records to the Municipal Building Tribunal so that the matter could be disposed of by the Tribunal without unnecessary delay.

Similarly, in WPA/10055/2023, the same learned Judge, by an order dated July 31, 2023, directed the petitioner to approach the Tribunal regarding the demolition order dated March 20, 2023.

By filing the present writ petition, the petitioner again seeks the implementation of the demolition order dated March 20, 2023. The petitioner contends that no restraining order has been issued by the Municipal Building Tribunal against the demolition order.

This Court, by an order dated November 20, 2024, directed the Corporation to affix a signboard on the wall of the relevant building, indicating that the entire building is under symbolic possession of the Corporation by virtue of this Court's order. Additionally, the signboard was directed to specify that no third-party interest may be created in the building, including by way of rent, lease, sale, or any other means, until the disposal of the writ petition.

Today, the Corporation has filed a report confirming compliance with the order dated November 20, 2024.

In light of the foregoing, I find no need to keep this writ petition pending. I direct the Corporation to proceed with the demolition work unless restrained by the Municipal Building Tribunal from doing so. The Corporation is permitted to obtain a copy of the relevant records from the Municipal Building Tribunal in order to implement the demolition.

It is further clarified that the interim order granted on November 20, 2024, shall remain in effect until the demolition work is completed.

Accordingly, WPO/517/2024 is disposed of.

(KAUSIK CHANDA, J.)

sg.