

ORDER SHEET

WPO/821/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRIPATI KUMAR SHAW
Vs
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 29th August, 2024.

Appearance:

Mr. Raghunath Chakraborty, Adv.

Mr. Rajdeep Bhattacharya, Adv.

...for the petitioner

Mr. Debjit Mukherjee, Adv.

Ms. Susmita Chatterjee, Adv.

...for the State

Mr. Gopal Chandra Das, Adv.

Ms. Gulnaz Qureshi, Adv.

The Court: The petitioner suffered a demolition order issued by the Kolkata Municipal Corporation on October 25, 2002. He preferred an appeal before the Building Tribunal which was dismissed on June 4, 2005. He challenged the demolition order before this Court by filing a writ petition (WPA 13153 of 2005) and obtained a stay order.

The private respondent filed WPA 3108 of 2020 to implement the demolition order dated October 25, 2002. The said writ petition was disposed of in May, 2023, directing, *inter alia*, to act in accordance with the demolition order dated October 25, 2002.

Subsequently, WPA 13153 of 2005 was dismissed for default. The petitioner filed an application for restoration and an application for condonation of delay in filing the restoration application.

In connection with WPA 3108 of 2020, at the instance of the private respondent, a contempt application seeking implementation of the demolition order passed by the Building Tribunal, was filed. The said contempt application is pending.

The petitioner has filed this present writ petition challenging the action on the part of the Kolkata Municipal Corporation in attempting to implement the demolition order by a fresh notice dated 14th August, 2024.

I am not inclined to entertain this writ petition on the ground that any order staying the hand of the Corporation to proceed with the demolition work will amount to an interference with the contempt jurisdiction of a Co-ordinate Bench.

Learned advocate appearing for the petitioner has placed strong reliance on a judgment passed by a Division Bench of this Court in M.A.T.1620 of 2024 (CAN 1 of 2024) (*Sk. Samsad Hossain Warsi & Anr. Vs. Mahinuddin Khan & Ors.*).

I do not find any application of the said judgment in the facts of this case.

Accordingly, WPO/821/2024 is dismissed.

(KAUSIK CHANDA, J.)