

OD-3 & 4

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/940/2024

NAMITA DAS AND ORS.
Vs
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

with

WPO/891/2024

AYAN KUMAR SAHA
Vs
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 1st OCTOBER, 2024.

Appearance:

Mr. Rajarshi Dutta, Adv.

Mr. Shounak Mukhopadhyay, Adv.

Ms. Manisha Das, Adv.

Mr. Sayantan Bose, Adv.

Mr. Dinabandhu Chowdhury, Sr. Adv.

Ms. Debjani Sengupta, Adv.

Mr. Iresh Paul, Adv.

Mr. Biuswajit Mukherjee, Adv.

Mr. Swapan Kr. Debnath, Adv.

Ms. Manisha Nath, Adv.

Mr. Debjit Mukherjee, Adv.

Ms. Susmita Chatterjee, Adv.

The Court: In view of the stance of the Corporation before this Court, there is no need to keep these two writ petitions pending. WPO/891/2024 has been filed by the petitioner to implement a demolition order dated May 14, 2024. By filing WPO/940/2024, the petitioners have challenged the demolition order. On September 23, 2024, when the matter was taken up for hearing, the Court, inter alia, passed an interim order with the following observations:

“Since it has been alleged by the petitioners that the demolition notice appearing at page 150B of the writ petition has been served upon them on 20th September, 2024 to implement an order dated March 6, 2024 passed by the Executive Engineer (Civil)/Building, Borough-IV & V, a copy whereof was never served upon them, I am inclined to stay the operation of the said notice dated September 13, 2024 issued by the Executive Engineer (Civil)/Building for a period of two weeks from date.”

The Corporation has submitted today that it will execute the demolition work only after issuing a fresh notice upon the petitioners in WPO/940/2024.

In the aforesaid facts, there is no need to keep these writ petitions pending.

Learned advocate appearing for the petitioners in WPO/940/2024, however, submits that he attempted to file an appeal against the demolition order dated May 14, 2024 and the Building Tribunal of the Corporation, however, declined to register the appeal.

The Building Tribunal is, therefore, directed to register the appeal within a period of seven days from date along with the copy of the original demolition order dated May 14, 2024 provided the appeal is otherwise in order.

Both WPO/940/2024 and WPO/891/2024 are disposed of.

There shall be a stay of operation of the demolition order for a period of seven days from date.

The appeal shall be heard on its own merit without being influenced by any observations made in this order.

(KAUSIK CHANDA, J.)