

ORDER SHEET

WPO/1072/2024

IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

JALALUDDIN GAZI

Vs

THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 20<sup>th</sup> November, 2024.

Appearance:

*Mr. Indrajit Bhattacharjee, Adv.*  
*Mr. Moloy Roy Chowdhury, Adv.*  
*...for the petitioner*

*Mr. Srijan Nayak, Adv.*  
*Ms. Rituparna Maitra, Adv.*  
*Mr. Swapan Kumar Debnath, Adv.*  
*...for KMC*

*Ms. Debarati Sen (Bose), Adv.*  
*...for the State*

The Court: The learned advocate for the petitioner submits that the Corporation has issued a demolition order concerning a building located at R-166, S.A. Farooque Road, Ward No. 137, Borough No. 15, Kolkata-700024, but the petitioner has not been served with the order. The petitioner contends that

the construction in question pertains to a small residential house, covering an area of less than 300 sq. ft. He further states that an old residential house already exists at the premises, and the only addition made was the construction of a wall. The petitioner argues that the Corporation should have served the demolition order upon him to enable him to file a statutory appeal against it.

The learned advocate for the Corporation asserts that the demolition order was issued after hearing the petitioner and that the order was duly served upon him.

Without delving into the disputed facts presented before this Court, the petition is disposed of with the following directions:

1. The Corporation shall provide the petitioner with a copy of the demolition order, in response to the application submitted on November 11, 2024, provided that the petitioner complies with the necessary formalities within seven days from the date of this order.
2. The petitioner shall be at liberty to file an appeal before the Building Tribunal in accordance with the law.
3. There shall be a stay on the demolition order for a period of three months from the date of this order.

4. The continuation of the stay beyond the two-month period will be at the discretion of the Building Tribunal, should the petitioner file an appeal against the demolition order.

It is clarified that any appeal filed by the petitioner shall be decided in accordance with the law, without being influenced by this order.

(KAUSIK CHANDA, J.)

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