

Dd 16 05.02.2025

FMA/199/2025
With
IA NO: CAN/1/2025

ANANDA MARGA PRACARAK SAMGHA AND ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION AND
ORS.

Mr. Kaustav Chandra Das, Advocate
... .. For the AppellantS

Ms. Sima Chakraborty,
Ms. Paushali Banerjee, Advocates
... .. For the KMC

Mr. Priyankar Saha,
Ms. Reshma Chatterjee, Advocates
.. ...For the State

Mr. Sujit Sankar Koley,
Mr. Swagatam Das, Advocates
.. ...For the WBSETCL

Dr. Madhusudan Saha Roy, Advocate
... ..For the CESC

1. Appeal is at the behest of the writ petitioners and directed against the order dated December 19, 2024 passed in WPA 12479 of 2024.
2. By the impugned order, learned singe Judge directed Kolkata Municipal authorities to initiate demolition proceedings regarding unauthorized construction at premises No. 171/2, Picnic Garden Road, in Ward No. 107, Borough-XII, within two weeks from the date of such order, in accordance with law.

3. Learned advocate appearing for the appellants submits that, premises concerned are premises No. 842/1248, Laskarhat, Bidhannagar, Kolkata-700039.
4. Learned advocate appearing for the Corporation submits that, building on which unauthorized construction is complained of belongs to the appellants.
5. State, Transmission Corporation and Distribution Company are represented.
6. Learned single Judge, by the impugned order, directed the Corporation authorities to initiate demolition proceeding.
7. We invited the learned advocate for the appellants to draw our attention to the averments made in the writ petition.
8. In paragraph 4 of the writ petition, it is stated that, illegal and unauthorized construction have mushroomed in 12 x 350 feet wide lane which the appellants kept open in order to accommodate the high tension electric line passing overhead.
9. It is submitted on behalf of the appellants that the entire area is sought to be encroached upon by persons whose identity the appellants are unaware of. It is also submitted that by a part encroachment, a two-storied building came up on such portion of the property.
10. It appears to us that the writ petitioner came up with a mechanism to evict unauthorized occupants of the private property under the garb of a high tension electric line passing overhead.

11. We are not minded to interfere with the impugned order passed by the learned single Judge.
12. In such circumstances, FMA/199/2025 along with connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)