

11.03.2025
Item No.183
AN/Ct. No. 15

WPA 5655 of 2025

Samina Haroon
vs.
The Kolkata Municipal Corporation & ors.

Mr. Raghunath Chakraborty
Mr. Rajdeep Bhattacharyya
Md. Imteyaz Islam

... for the petitioner

Mr. Gourav Das
Ms. Sanchayita De

... for the State

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee

... for respondents KMC

Ms. S. Khan
Md. Khairul

... for respondent no. 6

The petitioner challenges a demolition notice dated March 5, 2025, under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980, regarding an alleged unauthorised construction at premises no.70, Rabindra Sarani, Ward no.43 under Kolkata Municipal Corporation.

Learned advocate appearing for the petitioner has drawn attention of this Court to an order dated June 25, 2025, passed in C.O. No.2241 of 2024 (*Samina Haroon v. The Municipal Commissioner, Kolkata Municipal Corporation*), whereby a Single Bench of this Court stayed the demolition order dated April 4, 2024, in respect of the said premises till end of the month of October 2024 or

until further order(s), whichever was earlier. The said order was subsequently extended by an order dated December 19, 2024, till the disposal of the stay application.

It is not understandable how the Corporation could issue the relevant notice while there is a subsisting stay order passed in CO 2241 of 2024.

The Corporation does not dispute that there is a subsisting stay order as indicated above.

In that view of the matter, the impugned notice dated 05.03.2025 is set aside.

Accordingly, WPA 5655 of 2025 is disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Kausik Chanda, J.)