

30.04.2025
Court No.13
Item No. 11
sp

MAT 508 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
Sukantala Sai & Ors.
Vs.
Abdul Rahim & Ors.

Mr. Krishnendu Bera,
Ms. Debjani Mukherjee

...for the appellants.

Mr. Jahar Lal De, ld. AGP,
Mr. Shamim Ul Bari

...for the State.

Mr. Alok Kumar Ghosh,
Mr. Gopal Chandra Das

...for the KMC.

Ms. Sana Naaz

..for the respondent no. 2.

1. Leave to prefer an appeal against an order dated 21st March, 2025 sought by the appellants. The order only directs the Officer-in-Charge, Kasba Police Station to assist the KMC in carrying out an order of demolition.
2. Learned counsel for the proposed appellants submits that no proceedings have been taken out by the KMC to deal with the alleged unauthorized construction. The entire demolition is being carried out by the KMC pursuant to an order dated 6th June, 2024 passed in WPA 15162 of 2024. The appellants were not parties therein.
3. Mr. Alok Kumar Ghosh, learned Senior Counsel appearing for the KMC submits that proceedings

under Sub-Section 8 of Section 400 of the KMC Act, 1980 have been initiated by the KMC in the year 2024. Attempts were made to demolish the unauthorized premises or portions thereof and the KMC has succeeded in demolishing portions thereof. The demolished portions were allegedly reconstructed by the proposed appellants or the occupiers thereat.

4. This Court firstly notes that there is no challenge to the order dated 6th June, 2024 or any of the proceedings taken out by the KMC. The portions of the building demolished by the KMC have been blatantly reconstructed.
5. In view of the above, this Court is not inclined to grant leave to the appellants to maintain or move MAT 508 of 2025.
6. CAN 1 of 2025 shall stand dismissed. Consequently CAN 2 of 2025 and MAT 508 of 2025 shall also stand dismissed.
7. There shall be no order as to costs.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)