

District: Kolkata

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction

Appellate Side

Present :

The Hon'ble Justice Ananya Bandyopadhyay

WPA 12263 of 2023

MIR SEKENDER ALI & ORS.

VS

THE STATE OF WEST BENGAL & ORS.

Mr. Sabyasachi Hazra

... for the petitioners

Mr. Rajarshi Basu

Mr. Shehnaz Tareq Mina

... for the State

Mr. Alope Ghosh, Sr. Adv.

Mr. Anand Farmania

Ms. Dipanwita Ganguly

... for the KMC

Heard on & Judgment on : 09.09.2025

Ananya Bandyopadhyay J.

1. The Learned Advocate representing the petitioners has filed a supplementary affidavit annexing the order of the Municipal Building Tribunal, Kolkata Municipal Corporation dated 24.04.2025 wherein the order dated 05.10.2021 passed by the Special Officer(Building), Kolkata Municipal Corporation had been challenged. Subsequently, the petitioner no.4 herein had withdrawn the Appeal No.101 of 2022 pending before the Municipal Building Tribunal, Kolkata Municipal Corporation, which had been filed being

aggrieved by the order passed by the Special Officer (Building) dated 5.10.2021.

2. The Learned Advocate representing the petitioners submitted that the Kolkata Municipal Corporation be directed to proceed in accordance with order dated 5.10.2021 as the petitioners herein do not intend to proceed with the hearing of the instant writ petition.

3. Heard the submission of the Learned Advocate representing the Kolkata Municipal Corporation. The Learned Advocate representing the Kolkata Municipal Corporation submitted that once the appeal filed by the petitioners herein before the Municipal Building Tribunal, Kolkata Municipal Corporation vide appeal No.101 of 2022 had been withdrawn the order passed by the Special Officer(Building) dated 05.10.2021 became ineffective. The Kolkata Municipal Corporation had earlier in compliance with the order of the Special Officer(Building) initiated the process of unauthorized construction of the building which due to certain constraints and encumbrances owing to the occupation of the building by numerous residents, required considerable time period.

4. Considering the documents on record as well as the submission the Learned Advocate representing the petitioner as well as the respondent Kolkata Municipal Corporation, the respondent Corporation is to comply with the order dated 5.10.2021 passed by the Special Officer(Building) with regard to demolition of the unauthorised construction at the disputed premises upon notice to the Police administration for assistance and also the respondent

no.7, the Deputy Commissioner of Police, to act in expediting the process of vacating the occupied unauthorised construction and thereafter accomplish the demolition of the same within six months.

5. The instant writ petition is accordingly, disposed of.

6. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Ananya Bandyopadhyay, J.)