

25.08.2025
Court No.13
Item No.8
pk

MAT 1313 of 2025
With
I.A. No. CAN 1 of 2025
CAN 2 of 2025
CAN 3 of 2025
Sukantala Sai & others
Vs.
Rabin Banerjee and others

Mr. Anil Kumar Gupta,
Mr. Rahul Arya
Mr. Yogesh Kumar Sharma
Mr. Krishna Singh

... For the Appellants.

Mr. S. Thakur,
Ms. M. Saha
Mrs. Sana Sultana

... For the respondent no. 1.

Mr. Swapan Banerjee,
Mr. Bikash Goswami,
Ms. Neelam Singh

... For the State.

Ms. Sana Naaz

... For the respondent no. 12.

Re :CAN 2 of 2025

1. This application for condonation of delay in filing the instant appeal is allowed on the basis of the pleadings made in the application. The said pleadings shall not have any barring on the main appeal.

Re: MAT 1313 of 2025

2. The instant appeal is directed against an order dated 6th June, 2024 passed by the Single Bench of this Court. The first proceeding was WPA 15162 of 2024. The petitioners are, therefore, third parties to the said premises and had pointed out illegalities in the construction of the third floor and fourth floor.

3. The Court directed demolition of the unauthorized construction in said premises. The second writ petition was thereafter filed by the landlord represented before this Court being WPA 21464 of 2024 praying for demolition of the unauthorized construction on the property, since there was failure on the part of the corporation to carry out the said order.

4. The learned Single Bench of this Court by order dated 21.03.2025, directed police assistance to be given for demolition of the unauthorized construction.

5. Learned Counsel for the appellants, who claims to represent both the occupiers and owners of the unauthorised portion and owners and occupiers of the lawful construction, seeks six months time to vacate the said premises since his clients have nowhere to go.

6. It is difficult for this Court to believe that the appellants today were not aware of the illegality in the unauthorized construction and some of them had in fact purchased the same. The police have repeatedly requested evacuation, pursuant to the order dated 21.03.2025(s) and in a report filed today before this Court, asking the residents of the building to vacate the said premises. The refusal by the residents to do so, is putting themselves in greater peril. KMC and the police will have no option than to go ahead with the demolition since the appellants do not care for their own life and limb.

7. Unauthorized construction has become a menace in the city of Calcutta and in various parts of the State and the country. It seriously affects the urban infrastructure and also creates unnecessary pressure on the municipal infrastructure of the city. The same cannot be permitted under any circumstances. Allowing any further time to the appellants to vacate the said premises, would be permitting a gross illegality and impropriety to continue. The parties have been litigating before this Court in respect of the said premises since 2020.

8. In the backdrop of the above, the impugned order and judgement calls for no interference whatsoever.

9. The appellants shall vacate the said premises forthwith. The demolition shall commence not later than 72 hours from now.

10. If the appellants do not remove themselves and their personal effects from the said building, they shall do so at their own risk and peril. Neither the KMC nor the police will be responsible for the same.

11. With the aforesaid observations, the instant appeal is dismissed. Consequently connected pending applications are also disposed of.

12. There will be no order as to costs.

13. 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.)