

14.10.2025.
Court No.8
Item No. 6
ap/pk

M.A.T. 1758 of 2025
With
I.A. No. CAN 1 of 2025

Lourdes Mary Germain & Ors.
Versus
Tathagata Chowdhury & Ors.

Md. Mokaram Hossain,
Mr. Mizanur Rahaman.

...For the appellants.

Affidavit-of-service filed in Court today be kept
with the record.

The petitioners are represented through their
learned Counsels.

None appears on behalf of the respondents
despite notices have been served upon the
respondents.

The instant intra court appeal arises out of an
order passed in W.P.A. 23354 of 2023 dated 22nd
September, 2025.

The applicants herein are the lawful owners in
respect of premises No.25A, Circus Avenue, Kolkata –
700 071, who are allegedly living there for long time
after purchasing the same.

The main grievance in filing the instant
application is with regard to the passing of an order of
demolition of alleged illegal construction without giving
an opportunity of hearing to the applicants to counter
their allegations, being contrary to the principles of
natural justice.

Appropo, the facts of the case is that the respondent no.1 along with the proforma respondent no.15 of the writ petition jointly purchased all that piece and parcel of land ad measuring 7 cottahs 4 chittacks 34 sq. ft. recorded under Kolkata Municipal Corporation as premises No.25A, Circus Avenue, Kolkata – 700 071 (hereinafter referred to as ‘the said premises’).

The respondent no.1 filed a writ petition seeking inter alia, for the implementation of the demolition order dated 30th September, 2019.

After hearing the matter at length, the learned Single Judge of this Court was pleased to direct the respondent authorities to proceed with the demolition of the unauthorized construction in respect of the premises in question as scheduled on 23rd September, 2025 and 24th September, 2025 which being the subject matter of challenge before the instant appeal.

Having heard the learned Counsel and considering the materials available on records, we are of the considered view that for the ends of justice the applicants should be given an opportunity to counter their allegations before the appropriate authority.

The applicants shall make a comprehensive representation annexing all the relevant documents before the respondent no.6 within a period of fortnight from date. The same shall be considered and disposed of within a period of six weeks by passing a reasoned

order in accordance with law upon affording an opportunity of hearing to the concerned parties and thereafter shall communicate the same to the respective parties accordingly.

It is made clear that if the authority concerned in course of hearing finds any irregularity and/or illegality, the authority concerned shall forthwith take appropriate steps in accordance with law.

However, the impugned order is set aside without expressing any opinion in the merits of the case.

In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 is also disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)

(Smita Das De, J.)