

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/405/2025
MD. ASGHAR
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA
Date : 11TH JUNE, 2025.

Appearance:
Mr. Raghunath Chakraborty, Advocate
Mr. Supratick Syamal, Advocate
....for petitioner
Mr. Alak Kumar Ghosh, Advocate
...for KMC

THE COURT: A demolition order in this matter was passed by the Kolkata Municipal Corporation on February 27, 2020, in respect of the building located at 14/H/1, Chamru Singh Lane, Post Office – Narkeldanga, Ward No. 29, Kolkata – 700011.

The petitioner claims to be one of the occupants of the said building.

It appears that Building Tribunal Appeal No. 124 of 2024 has been preferred against the demolition order passed by the Corporation, and the appeal is currently pending.

Further, it appears that a writ petition being WPO No. 1582 of 2023 was filed by one Md. Nawab for the implementation of the

demolition order dated February 27, 2020. A co-ordinate Bench of this Court, by an order dated October 3, 2023, directed the Corporation to implement the demolition order.

Subsequently, APO/209/2023 was preferred challenging the said order of the learned Single Judge, which was dismissed on January 16, 2024, with liberty granted to the Corporation to execute the demolition order.

Thereafter, CC/98/2024 was filed by Md. Nawab seeking implementation of the order dated October 3, 2023. In the said contempt application, by an order dated May 6, 2025, the learned Single Judge directed the concerned authorities to implement the demolition order.

The petitioner challenged the said order before the Hon'ble Supreme Court by filing Special Leave Petition (Civil) Diary No(s). 30558/2025. The Hon'ble Supreme Court passed the following order:

“Learned counsel for the petitioners states that this petition may be dismissed as withdrawn leaving it open to the petitioners to avail such other remedies as are available to them, be it before the authorities, Tribunal or the High Court.

The Special Leave Petition is dismissed as withdrawn with liberty as prayed.”

Following the order of the Hon'ble Supreme Court, the present writ petition has been filed with a prayer to restrain demolition of the part of

the construction under occupation of the petitioner until disposal of Building Tribunal Appeal No. 124/2024.

I find it difficult to entertain such a prayer in view of the order dated May 6, 2025 passed in CC/98/2024. It would not be appropriate for this Court to pass any order that may interfere with the order passed by another co-ordinate Bench of this Court.

However, I grant liberty to the petitioner to file an appropriate application in connection with CC/98/2024 to bring on record the relevant facts justifying his prayer.

Accordingly, WPO/405/2025 is disposed of.

(KAUSIK CHANDA, J.)

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