

OD-17

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/880/2024

ASHOK KUMAR MONDAL
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: 22nd January, 2025.

Appearance:
Mr. Sutanu Chakrabarti, Adv.
Mr. Anirban Roy, Adv.
Mr. Debjit Basu, Adv.
...for the petitioner
Mr. Vimal Kumar Shahi, Adv.
Ms. Gulnaz Quraishi, Adv.
...for K.M.C
...for State.
Ms. Sipra Majumdar, Adv.
Mr. Debjit Bose, Adv.
Ms. Susmita Chatterjee, Adv.
Ms. Somashree Dey, Adv.
...for the State

The Court: The petitioner contends that the local Councillor of Ward No. 17 of the Kolkata Municipal Corporation has engaged in unauthorised construction on a footpath in front of his chamber. The petitioner, an advocate, submits before this Court that the construction in question is obstructing both ingress to and egress from his chamber.

Despite being duly served, Respondent No. 9 is not represented before this Court.

The Kolkata Municipal Corporation has submitted a report, which is taken on record. The report states:

“This is a case of a construction in front of the premises of 26/H/2 and 26/H/3, Durga Charan Mitra Street. During the time of inspection at mentioned premises it is found that an incomplete new brick masonry construction exists occupying the area of the footpath. The said footpath is maintained by the Chief Municipal Engineer (Civil), Department, Kolkata Municipal Department. From local enquiry, it is known that it is going to be a temple.”

The Kolkata Municipal Corporation has also referred to a circular dated April 23, 2019, which prohibits any unauthorised encroachment of footpaths.

In light of the foregoing, I direct the Kolkata Municipal Corporation to demolish the unauthorised brick masonry construction in front of the petitioner’s chamber within one month from the date of this order. The Officer-in-Charge of Burtolla Police Station is directed to provide any necessary assistance to the Kolkata Municipal Corporation in executing the demolition work.

Accordingly, WPO/880/2024 is disposed of.

(KAUSIK CHANDA, J.)