

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12274 of 2026

Yesmin Begum
Versus
Kolkata Municipal Corporation & Ors.

Mr. Ranajit Chatterjee
... For the petitioner.

Ms. Falguni Bandyopadhyay
Ms. Manisha Paswan
... For the State

Mr. Alok Kumar Ghosh
....For the Kolkata Municipal Corporation

1. The instant writ petition has been filed, *inter alia*, challenging the steps taken by the municipal authorities to carry out the demolition order dated 2nd January, 2023 in terms of the demolition programme fixed on 4th June, 2026 from 11:00 AM to 5:00 PM.

2. Mr. Chatterjee, learned advocate representing the petitioner would submit that the petitioner is the daughter of the person responsible who had carried out the alleged illegal construction at premises no.55, Narkeldanga, North Road, Ward No.29, Borough No.III under Kolkata Municipal Corporation. According to him, though the developer had preferred an appeal and though such appeal had been dismissed for default, the municipal authorities ignoring the appeal filed by the petitioner are proceeding with the demolition programme. According to him, till such, the petitioner's appeal is

disposed of no demolition programme should be undertaken and demolition order should remain stayed.

3. Mr. Ghosh, learned advocate representing municipal authorities would submit that initially the petitioner chose not to challenge the order of demolition dated 2nd June, 2023 passed by the Special Officer, Building. It is the developer, who had filed the appeal which was registered as Building Tribunal Appeal No.17 of 2023. The mother of the petitioner was a party to such proceeding. The petitioner obviously had the knowledge of such proceeding. It was only after such appeal was dismissed, the petitioner had filed an appeal being Building Tribunal Appeal No.69 of 2025. Accordingly, this Court should not entertain the present writ petition.

4. Having heard the learned advocates appearing for the respective parties, I find though the statutory remedy is provided from a demolition order passed by the Special Officer, Building and though the developer, in the instant case, had filed an appeal before the Building Tribunal which was registered as B.T. 17 of 2023, the petitioner or petitioner's mother chose not to prefer an appeal therefrom. Apparently it would transpire from the materials available on record that the petitioner had waited and watched the proceedings. It was only after the appeal filed by the developer was dismissed for default that the present appeal has been filed. The Kolkata Municipal Corporation Act, 1980 provides for a statutory time limit for preferring an appeal which is 30 days from

the date of the order, such period has long expired. The appeal filed by the petitioner is obviously barred by limitation. It is not the case of the petitioner that delay, in preferring the appeal, has been condoned. Having regard thereto, I am of the view that there is no appeal in the eye of law at this stage. Accordingly, no case for interference is called for.

5. The writ petition being WPA 12274 of 2026 accordingly stands dismissed without any order as to costs.

6. Parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)