

ML 108
30.06.2026
Court. No. 12
GB

MAT 2267 of 2025
With
CAN 1 of 2025
CAN 2 of 2025
Mother Durga & Ors.
VS
Swami Santadas Institute of Culture & Ors.

*Mr. Haradhan Banerjee,
Md. Nozrul Haque,
Mr. Manabendra Nath Thakur,
Sk. Afnojul Haque,
Mr. Sudesh Kumar Shaw*

...for the Appellants.

*Mr. Raghu Nath Chakroborty,
Mr. Bratin Kumar Dey,
Ms. Anjana Banerjee,
Mr. Joydeep Das*

...for the Respondent Nso.1 & 2.

*Mr. Biswajit Mukherjee,
Mr. Gopal Chandra DAs*

...for the K.M.C.

In Re: CAN 1 of 2025

1. This is an application for condonation of delay of 737 days in filing the appeal.
2. Having considered the averments stated in paragraphs 11 and 12, we are satisfied that the delay has been sufficiently explained.
3. Accordingly, the delay stands condoned.
4. CAN 1 of 2025 is allowed and disposed of.
5. The appeal is regularized.

In Re: MAT 2267 of 2025

1. The appellants were the respondents in WPA 25783 of 2023. WPA 25783 of 2023 was preferred by the respondent nos.1 and 2, praying for quashing and/or

setting aside of the order dated October 7, 2023, passed by the Municipal Commissioner, Kolkata Municipal Corporation.

2. His Lordship did not interfere with the demolition order but, held that the respondent nos.1 and 2 had a remedy by way of an appeal.
3. Mr. Banerjee, learned advocate for the appellants submits that the order impugned had indirectly allowed unauthorized construction to remain. His Lordship should have specified the time limit within which the appeal ought to have been filed and added a default clause. The Kolkata Municipal Corporation, upon detection of unauthorised construction could not sit idle for years together, only because an appeal is pending. In effect, Mr. Banerjee prays for demolition.
4. We are of the view that, as the writ petition was at the instance of the respondent nos.1 and 2, whose prayer had been turned down, the appeal cannot be maintained at this stage as the appellants' right has not been affected by the order of His Lordship.
5. If the appellants are aggrieved by the delay in the implementation of the order of the Kolkata Municipal Corporation, the appellants will have a right to take appropriate steps, in accordance with law.
6. Under such circumstances, the appeal and the connected application being CAN 2 of 2025 are dismissed.

7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Smita Das De, J.)