

OD 8

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/29/2026
IA NO: GA/1/2026,
GA/2/2026,
GA/3/2026
ARPON CHAKRABORTY
VS
BHAKTI BHUSAN SARKAR AND ORS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

The Hon'ble JUSTICE AJAY KUMAR GUPTA

Date: 17th March, 2026.

Appearance:
Mr. Sauvik Nandy, Sr. Adv.
Mr. Dyutimoy Paul, Adv.
. . .for the applicant
Mr. Srikanta Dutta, Adv.
Mrs. Rituparna Sarkar Dutta, Adv.
...for respondent no. 1
Mr. Alak Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
. . .for KMC

The Court: IA GA 1 of 2026 is an application for leave to appeal from the judgment and order dated January 27, 2026 passed by the learned Single Judge in WPO 846 of 2025. The order was passed in the absence of the appellant and a direction was passed upon the corporation to act and proceed in accordance with law on the basis of the demolition order. As the demolition order pertains to the applicant's premises, we allow the application for leave to appeal. G.A 1 of 2026 is allowed.

We now proceed to deal with the appeal. Learned Single Judge was of the view that the Municipal Authorities must take appropriate steps for implementation of their own order in accordance with law and preferably within four weeks. The writ petition was filed by respondent no. 1 alleging that Kolkata Municipal Corporation had failed and neglected to carry out its own order of demolition of the premises in question. Learned Single Judge did not express any opinion on the merits of the order of demolition, apart from directing the Corporation to act and proceed in accordance with law. The main order of demolition has been challenged by the appellant by filing a writ petition, which is pending.

Under such circumstances, the remedy of the appellant is before the appropriate forum against the order of demolition. We are not inclined to go into the merit of the order of demolition as the same was not the subject matter of the writ petition. The appeal is accordingly disposed of.

All the parties shall make their respective submissions before the appropriate forum.

(SHAMPA SARKAR, J.)

(AJAY KUMAR GUPTA, J.)

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