

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

WPO(P)/1/2024
IA NO: GA/2/2024, GA/3/2024
SK MAHBUB HOSSAIN
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNANAM
-A N D-
HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
DATE : 14th August, 2024.

Appearance :
Mr. Somnath Bose, Adv.
...for CESC Ltd.
Mr. Ashok Kumar Chakraborty, Ld.ASG.
Mr. Sukanta Chakraborty, Adv.
Mr. Tirthapati Acharya, Adv.
..for respondent no. 2
Mr. Kamallesh Jha, Adv.
In GA /2/2024 and GA /3/2024
Mr. Alak Kr. Ghosh, Adv.
Mr. Arijit Dey, Adv.
...for Kolkata Municipal Corporation.
Sk. Md. Galib, Sr. Govt. Adv.
Mr. Abu Siddique Mallik, Adv.
...for the Board of Auqaf

The Court :- One of the persons claiming to be in possession of a property which is claimed to be an enemy property had filed an appeal before the Hon'ble Supreme Court in Special Leave to Appeal (C) No. 12834 of 2024 challenging an order dated 22.03.2024. The Hon'ble Supreme Court vide order dated 9th August, 2024 has issued the following direction:-

"2. The order dated 03.06.2024 is modified/clarified to the extent that the Calcutta Municipal Corporation is directed to comply with the order dated 10.05.2024 and continue with the demolition/eviction of the unauthorized construction/occupation strictly in accordance with the provisions of the Enemy Property Act, 1968 as amended from time to time.

3. The State of West Bengal is directed to constitute the Building Tribunal within one week. If any aggrieved person files an appeal, the Tribunal shall decide the same on merits expeditiously. A compliance affidavit shall be filed by the State of West Bengal as well as the Calcutta Municipal Corporation.

4. Counter affidavit (in SLP (C) No. 11834/2024), if any, be filed within four weeks.

5. As per the office report, respondent Nos. 2 to 21 (in SLP(C) No. 12834/2024) could not be served as the spare copies are not be filed.

6. Four weeks time is granted to the petitioner to do the needful, whereupon notices be issued to the unserved respondents, returnable on 17.09.2024.

7. Post these matters on 17.09.2024.”

Today when the matter is called the learned Advocate for the State is not present and the other Advocates are present in Court.

As could be seen from the above order passed by the Hon'ble Supreme Court direction has been given to the Kolkata Municipal Corporation as well to the State of West Bengal and both the entities have been directed to file their affidavits before the Hon'ble Supreme Court and the matter has to be heard on 17th September, 2024.

We direct the learned Advocate appearing for the writ petitioner to serve a copy of the order passed by the Hon'ble Supreme Court to the learned Advocate appearing for the Kolkata Municipal Corporation as well as the learned appearing for the State of West Bengal. The learned Advocates are directed to get appropriate instruction in the matter by the next hearing date.

It is placed on record that in GA/2/2024 and GA/3/2024 the writ petitioner is granted leave to file affidavit-in-opposition.

List the matter under the same caption on 21st August, 2024.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)