

OD - 12

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

WPO(P)/1/2024
IA NO: GA/2/2024, GA/3/2024, GA/4/2025

SK MAHBUB HOSSAIN
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNANAM
-A N D-
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)
Date : 23rd April, 2025.

*Mr. Kamalesh Jha, Adv.
Mr. N. Chatterjee, Adv. ... for applicant.*

*Mr. Aloke Kr. Ghosh, Adv.
Mr. Arijit Dey, Adv. ... for KMC.*

*Ms. Ipsita Banerjee, Adv.
Mr. Debangshu Dinda, Adv. ... for State of WB.*

*Mr. Ashoke Kumar Chakraborty, Ld. ASGI,
Mr. Sukanta Chakraborty, Adv.
Mr. Trithapati Acharyya, Adv. ... for respondent no.2.*

*Sk.Md. Galib, Adv.
Md. Abu Siddique Mallik, Adv. ... for Board of Waqf, WB.*

*Mr. A. Chakraborty, Adv.
Mr. S. N. Chakraborty, Adv. ... for applicant in GA/4/2025.*

Mr. Somnath Bose, Adv. ... for CESC Ltd.

The Court : Reports filed by the CESC Ltd. and Kolkata Municipal Corporation are taken on record. There appears to have been partial compliance of the direction for disconnection of water and electricity supply. The CESC Ltd. is ready to disconnect as and when Kolkata Municipal Corporation identifies the premises and intimates them. Kolkata Municipal Corporation has already made a requisition to the respondent/police for deployment of adequate police force which appears to have not been sanctioned/granted till date unless and until the required police force is deployed

and the occupants are evicted/vacated, the order of demolition cannot be implemented.

The learned advocate appearing for the respondent/State requests a week time to file their report. This court can take judicial notice of the fact that on several earlier occasions despite directions to the state police to render assistance to the Corporation, Municipalities, neither such applications have been considered nor adequate number of police force are deployed. Let the respondent/police bear in mind this observation while filing the report and they should be prompt enough to render assistance to another wing of the Government which sticks to enforce law.

The learned Additional Solicitor General appearing for the respondent no.2 submitted that the order and direction has not been carried out by the CESC Ltd. in respect of the enemy property.

The learned advocate appearing for the CESC Ltd. refers to the report and submitted that in respect of premises no.170/H/47 disconnection of electricity supply has been effected on 12.2.2025. Let the concerned authority examine the report and file their exceptions, if need be.

Learned advocate appearing for GA/4/2025 is directed to serve copies on all the learned advocates appearing for the parties and the respective respondents shall get instruction in the matter.

The respondent no.2, the Deputy Secretary, who is present in court desirous of visiting the premises in question which, according to the department, is an enemy property before filing their exception to the reports submitted by Kolkata Municipal Corporation and CESC Ltd. However, since the area is densely populated area, the respondent no.2 seeks an appropriate direction for deployment of necessary police personnel when the Deputy Secretary visits the premises upon written request being made to the Deputy Commissioner of Police, Central Kolkata so as to enable the team

lead by the Deputy Secretary visits the premises in question and also take photographs.

Learned advocate appearing for the GA/2/2025 and GA/3/2025 is directed to serve copies of the application along with annexures on the learned counsel and on all other learned advocates appearing for the respondents including the Kolkata Municipal Corporation and the CESC Ltd.

List the matter on 7th May, 2025.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)