

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1209/2024
ASHOK KUMAR SHARMA
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
HON'BLE JUSTICE GAURANG KANTH
Date: 24TH April, 2025.

Appearance:
Ms. Sucharita Biswas, Adv.
Mr. Debapriya Gupta, Adv.
...for petitioner
Mr. Sandipan Banerjee, Adv.
Mr. Swapan Kr. Debnath, Adv.
.....for K.M.C.

The Court:- A report has been filed on behalf of the Respondent Municipality. The report indicates that there are unauthorised construction beyond the sanctioned plan and hence a demolition order has already been passed. The report further states that since the private respondents have approached the Building Tribunal in B.T. Case No. 71 of 2024 and the department is awaiting the final order from the Municipal Building Tribunal. Therefore, he claims to be unable to take any action in terms of the demolition order.

Since no stay has been granted by the Building Tribunal in B.T. Case No. 71 of 2024, the department is at liberty to proceed with the demolition of the unauthorized construction, in accordance with its own

order. Taking the plea that the matter is pending before the Tribunal only indicates that the Executive Engineer is unwilling to comply with the orders of this Court and is evading implementation of the demolition order passed by his own department.

The Executive Engineer Borough-IX has completely failed to comply with the order of this Court. The Executive Engineer seems to be hand in gloves with the private respondent Nos. 3 to 7 as his intention is to protect the unauthorised construction rather than demolishing the offending structure.

A copy of this order shall be communicated to the Commissioner, Kolkata Municipal Corporation to take appropriate action to demolish the unauthorized construction beyond the sanctioned building plan. The Commissioner is at liberty to carry out the orders of demolition, as no stay has been granted by the Building Tribunal,

Let a copy of this order be communicated to the Commissioner and a compliance report shall be filed within a period of four weeks thereafter.

A copy of the report is kept with the record.

List this matter after four weeks.

(GAURANG KANTH, J.)

GH.