

15.10.2020.
Item no. 24.
Court No.13
ap

**W.P.A. No. 7165 of 2020
With
CAN 1 of 2020
(Through Video Conference)**

**Madhu Ghosh
Versus
The Chandernagore Municipal Corporation & Ors.**

Mr. R. N. Chakraborty,
Mr. M. Ahmed,
Ms. Amrita De.

...For the petitioner.

Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty.

...For the State.

Considering the urgency pleaded by the petitioner in CAN 1 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the application being CAN 1 of 2020 is disposed of.

An order passed by the Municipal Commissioner of Chandernagore has been permitted to be challenged before the Building Tribunal under the Bengal Municipal Act by an order of a Co-ordinate Bench dated 5th March, 2020 passed in W.P. No. 4606 (W) of 2020.

The Building Tribunal has not been functional in view of the present pandemic.

For some strange reason, the Authority whose order has been appealed against has chosen to

adjudicate the appeal itself. *Ex facie* the same is preposterous and illegal.

The Municipal Commissioner of Chandernagore shall not take any further steps in so far as the hearing of the appeal in question is concerned, the appeal shall only be heard by the Municipal Building Tribunal in question.

In the meantime however the writ petitioner shall not be entitled to effect a single inch of any construction in the Building. There shall be a complete status quo as on date with regard to the building in question.

The Municipal Authority including the Commissioner and/or his representatives may visit and take photographs of the current physical position on the roof or top floor or terrace of the building in question.

The appeal filed by the writ petitioner shall await the commencement of functioning of the Building Tribunal entitled to hear the matters of Chandernagore Municipal Corporation.

The Officer-in-charge, Chandernagore Police Station shall ensure that there shall be no construction made in the said premises and shall also take photographs of the status of the premises as on today.

The report dated 20th September, 2020 filed by the Chandernagore Police Station in Court today be taken on record.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)