

15.11.2021
Item No.28
Court No.18
AJ.

C.O. 1839 of 2021
(Via Video Conference)
Somesh Ranjan Sahu & Ors.
-Vs-
Bhddhadeb Bose & Ors.

Mr. Arijit Bardhan,
Mr. Arindam Ghosh,
Mr. Rishabh Dutta Gupta.
.....for the petitioners.

The order of the Municipal Building Tribunal dated September 14, 2021 passed in Building Tribunal Appeal No. 22 of 2016 is under challenge in the present application under Article 227 of the Constitution of India.

The petitioners lodged a complaint with the Kolkata Municipal Corporation alleging execution of unauthorized construction by the opposite party no.1.

The Special Officer (Building) directed demolition of the alleged unauthorized construction by his order dated July 18, 2016.

The opposite party no.1 preferred the connected appeal before the Municipal Building Tribunal being Building Tribunal Appeal No. 22 of 2016.

The Municipal Building Tribunal by the order impugned has disposed of the said appeal by remanding the case back before the Special Officer (Building).

The order of the Special Officer (Building) is cryptic. The appeal Court held that the Special

Officer (Building) while allowing the said demolition case, did not consider some relevant documents and felt it necessary to remand the said case back for re-hearing.

This Court does not find any illegality and/or infirmity in such approach of the Appeal Court below.

Mr. Bardhan, learned advocate appearing on behalf of the petitioners submits that the petitioners are apprehensive that pending decision of the said demolition case, the opposite party no.1 may record his name in the records of the Kolkata Municipal Corporation as owner of the said unauthorized construction.

The said apprehension of petitioners has no basis inasmuch as no person can record his name with the Municipal records as the owner of an unauthorized construction.

C.O. 1839 of 2021 is disposed of with a request to the Deputy Chief Engineer (Building)/ South, Kolkata Municipal Corporation to expedite the disposal of the Demolition Case No. 97-D/Br.-XI/15-16 in accordance with law.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)