

ORDER SHEET

WPO/270/2020

IA No:GA/1/2020

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

ORIGINAL SIDE

MD. ISSA HUSSAIN

VS

THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 19th January, 2021.

Appearance:

Mr. R. N. Chakraborty, Adv.
... for the petitioner.

Mr. Ranajit Chatterjee, Adv.
Mr. Gopal Chandra Das, Adv.
Mr. D. Das Chakraborty,adv.
..for KMC.

Mrs. Sucharita Paul, Adv.
..for Respondent No.6.

The Court :-The petitioner is aggrieved by the order dated 24th October, 2019 passed by the Special Officer (Building), Kolkata Municipal Corporation after conducting the hearing of the parties.

According to Section 400(3) of the Kolkata Municipal Corporation Act, 1980 any person aggrieved by an order of the Municipal Commissioner made in sub-Section (1) within 30 days from

the date of an order may prefer an appeal against the order, to the Municipal Building Tribunal.

The petitioner has submitted that the order which was passed on 24th October, 2019 was served upon him after lapse of a considerable period of time. In the midst of the pandemic when the petitioner was made aware of the impugned order, he rushed before this Court as the Municipal Building Tribunal was not functioning at that point of time.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation submits, upon instruction, that the Municipal Building Tribunal is presently functioning.

In that view of the matter, the instant writ petition stands dismissed.

However, dismissal of the writ petition will not stand in the way of the petitioner from approaching the appropriate forum, in accordance with law, if so advised.

(AMRITA SINHA, J.)