

WPO No. 245 of 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SMT. MAMATA GUHA RAY
VERSUS
KOLKATA MUNICIPAL CORPORATION & OTHERS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 13th July, 2021.

(Via Video Conference)

Appearance:
Mr. Arnab Dutt, Adv.
For the petitioner.

Mr. Madan Mohan Roy, Adv.
For the respondent nos. 8 and 9.

Mr. Alak Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
For the Kolkata Municipal Corporation.

Mr. Debasish Ghosh, Adv.
For the State.

The Court :- This writ petition has been preferred alleging non implementation of the order of demolition dated March 6, 2019. According to the petitioner, the Corporation was duty bound to implement the order of demolition, which was passed upon hearing the petitioner as also the respondent nos. 8 and 9.

Learned Advocate for the respondent nos. 8 and 9 submits that aggrieved by the aforementioned order dated March 6, 2019, the said respondents have preferred an appeal before the Municipal Building

Tribunal and as such, this Court should not pass any order directing the Corporation to implement the order of demolition, as the appeal preferred will become infructuous.

Mr. Ghosh, learned Advocate for the Corporation submits that if an appeal has been preferred, the appeal must be disposed of. The right of the petitioner under the statute to have the appeal heard will be denied and any order directing demolition will render the appeal as infructuous.

Under such circumstances, the writ petition is disposed of with a request to the Tribunal before which the appeal is pending to dispose of the appeal within a period of three months from date. It is further directed that the complainant shall be at liberty to be added in the appeal proceedings in accordance with law.

Accordingly, the writ petition is disposed of.

(SHAMPA SARKAR, J.)