

S/L 8
14.2.2022
Court. No. 19
sn

W.P.A. No.21387 of 2021

Arun Chandra Dhar
Vs.
The State of West Bengal & Ors.

Mr. Anindya Halder
Mr. Dilip Kumar Mandal
... for the Petitioner.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... for the K.M.C.

The petitioner is aggrieved by an order dated December 13, 2021, issued by the Executive Engineer ©, Building Department, Borough-V Kolkata Municipal Corporation. The petitioner had been given only five days time to demolish the building, failing which, the Corporation had indicated that demolition would be carried out by the Corporation itself. According to the petitioner, even before the statutory period for filing an appeal against the said order had expired, the corporation threatened to demolish the structure.

Under such circumstances, the writ petition is disposed of without any order, but upon granting liberty to the petitioner to move the Appellate Tribunal in accordance with law. The petitioner shall also be entitled to pray for a stay of this order of demolition and the said prayer shall also be decided in

accordance with law, upon hearing the parties and upon adjudication of the, prima facie, case, independently.

The demolition order will remain stayed for a period of three months. Thereafter, the Kolkata Municipal Corporation shall act and proceed on the basis of any order passed by the Appellate Tribunal.

If the petitioner fails to get any stay within the period as indicated above, the Kolkata Municipal Corporation shall be at liberty to proceed in accordance with law.

This order is being passed keeping in mind the difficulties faced by the litigants to avail of the legal remedies, due to irregular functioning of Courts and Tribunals.

The Municipal Building Tribunal shall decide the entire issue independently and in accordance with law and this order shall not be construed as an observation of this Court on the merits or demerits of the demolition order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)