

OD-2

ORDER SHEET

WPO/734/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SUDAM CHANDRA MALAKAR
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 23rd February, 2022.

[Via Video Conference]

Appearance:

*Mr. Debnath Ganguly, Adv.
Ms. Aranya Saha, Adv.
Ms. Aishwarya Pratihar, Adv.
Mr. Supriyo Dutta, Adv.
For the petitioner.*

*Mr. Alok Kumar Ghosh, Adv.
Ms. Manisha Nath, Adv.
For the K.M.C.*

The Court :- The petitioner's request for repairing was rejected by an order passed by S.P.I.O (Building)/Borough-IV & V of the Kolkata Municipal Corporation. Aggrieved by the such refusal of the prayer of the petitioner to effect repairing and plastering of his dwelling house standing at premises No. 29, Dr. Narayan Roy Sarani (formerly known as Simla Street), this writ petition has been filed.

It is the contention of the petitioner that although a demolition case was initiated and concluded against the petitioner and an appeal was pending therefrom, the prayer of the petitioner to allow painting and plastering of the interior of the house, should not be denied on the

ground that a small portion of the property was found to be unauthorized.

It is the specific contention of the petitioner that the daughter of the petitioner is likely to be married soon and such painting would be necessary before the occasion.

Admittedly, the appeal from the order of demolition is pending before the learned Appellate Tribunal. The petitioner has not been granted any stay of the order of demolition. The application for stay and the appeal along with the other interlocutory application are pending. The petitioner shall be at liberty to file appropriate applications before the learned Appellate Tribunal.

This Court cannot enter into these issues. Moreover, there is nothing on record to show that the wedding of the daughter of the petitioner has been fixed in the near future.

This writ petition is disposed of with a direction upon the learned Appellate Tribunal to dispose of the appeal along with the interlocutory application(s) within three months from communication of this order.

This order shall not be treated as an observation on the merits of the claims of the petitioner and all the issues shall be decided independently, upon hearing the parties.

(SHAMPA SARKAR, J)