

OD-2

ORDER SHEET

WPO/921/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BIPLAB DUTTA
Versus
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 16th February, 2022.

[Via Video Conference]

Appearance:
Mr. Partha Sarathi Deb Barman, Adv.
Mr. Amit Gupta, Adv.
For the petitioner.

Mr. Swapan Debnath, Adv.
Mr. Gopal Chandra Das, Adv.
Mr. Rudranil De, Adv.
For the K.M.C.

The Court :- The petitioner is aggrieved by the notice issued by the Kolkata Municipal Corporation dated February 7, 2022 which is Annexure-P7 to the supplementary affidavit.

The supplementary affidavit is taken on record.

The said notice is a consequence of the order of demolition dated September 30, 2021. The order of demolition is an appealable order. It is submitted that the petitioner has already preferred an appeal. The date of hearing of the appeal has been fixed on April 5, 2021. It is

contended that unless the petitioner gets an opportunity to pray for an interim order in the appeal, the demolition order should not be implemented.

In view of the facts narrated above and also in view of the fact that the Courts and Tribunal have not been able to function regularly due to the rise in Covid-19 infections, the order of demolition and the notices issued by the Kolkata Municipal Corporation are stayed for a period of four months. If the petitioner is not granted an interim order by the learned Tribunal within the aforementioned period, the Corporation may proceed in accordance with law. The learned Tribunal shall hear out the issues, in accordance with law, and independently without being influenced by any observation made hereinabove. The Tribunal shall endeavour to decide the prayer for interim protection within the aforementioned period upon hearing all the parties and strictly in accordance with law.

This Court has not gone into the merits of the order of demolition and all points are to be decided by the learned Tribunal, including the point of maintainability of the appeal.

As the matter is being heard in the presence of the learned Advocate for the Corporation, Mr. Deb Barman and Mr. Debnath shall communicate this order to the respondent no.4.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(SHAMPA SARKAR, J)

snn.