

OD-5

ORDER SHEET

**WPO No.2783 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE**

SOURASIS NAG

-VS-

THE KOLKATA MUNICIPAL CORPORATON & ORS.

BEFORE :

The Hon'ble JUSTICE AMRITA SINHA

Date: 23rd November, 2022.

Appearance:

Mr. Nirmalya Dasgupta Adv.
Mr. Chanchal Kumar Dutta, Adv.
...for the Petitioner.

Mr. Debjit Mukherejee, Adv.
Mrs. Susmita Chatterjee, Adv.
Ms. Manisha Nath, Adv..
...for KMC.

The Court:-Affidavit of service filed in Court does not bear proof of service upon the respondent no.6.

It appears from the order passed by the Municipal Building Tribunal in B. T. Appeal No.50 of 2022 that the stay application stood dismissed by an order dated 25th August, 2022 and the appeal was fixed for peremptory hearing on 23rd September, 2022.

Learned advocate for the petitioner submits that on 23rd September, 2022 the appeal was not heard and the same is still pending.

As the matter relates to demolition of an unauthorized construction which may cause damage to the life and property of the inhabitants of the building as well as the neighbouring houses as recorded in the order dated 25th

August, 2022, accordingly, it is expected that the Municipal Building Tribunal will decide the matter at the earliest without granting any unnecessary adjournments to either of the parties.

Municipal Building Tribunal shall take note of the fact that the application for stay has been rejected and the matter is required to be heard out at the earliest so that the appeal itself is not rendered infructuous in the mean time.

The writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)