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18.09.2023  
d.p.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 16155 of 2023**

**Siladitya Mondal  
-versus  
The Kolkata Municipal Corporation & Ors.**

**Mr. Jayanta Kumar Dhar.  
...For the Petitioner.**

**Mr. Debabrata Saha Roy,  
Mr. Pingal Bhattacharyya,  
Mr. Neil Basu,  
Mr. Sankar Biswas.  
...For the Respondent No.6.**

**Mr. Debjit Mukherjee,  
Ms. Sabnam De.  
...For KMC.**

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

The matter relates to unauthorized construction at the behest of the private respondent at premises no. 58B, Pratapaditya Road, Kolkata-700026, Ward No. 88, Borough-VIII under jurisdiction of the Kolkata Municipal Corporation.

The petitioner seeks implementation of the order of demolition passed by the Executive Engineer (Civil)/, Borough-VIII on 21<sup>st</sup> June, 2022.

It appears from the submissions made on behalf of the parties and from the instructions provided by the engineers of the Corporation that challenging the order of demolition an appeal has been preferred by the

person responsible before the Municipal Building Tribunal being B.T. Appeal No. 124 of 2022 which is pending consideration till date.

It further appears from the information collected from the Municipal Building Tribunal that the petitioner has been impleaded as respondent no. 3 in the pending appeal vide order dated 29<sup>th</sup> November, 2022.

According to the petitioner, the order of demolition ought to be implemented as there is no order staying implementation of the same.

The Court cannot accept the submission of the petitioner. As the order of demolition is presently under scrutiny before the Municipal Building Tribunal and the writ petitioner is a party in the said appeal, it will be open for the petitioner to raise all issues before the statutory appellate forum. Passing any order for implementing the order of demolition pending disposal of the statutory appeal will render the appeal infructuous.

The Municipal Building Tribunal is requested to take steps for disposal of the appeal expeditiously.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**