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ORDER SHEET
WPO No.1283 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. ZAFAR
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:21st June, 2023.

Mr. Avirup Chatterjee, Adv.
...for the Petitioner.

Mr. Subhrangsu Panda, Adv.
Ms. Ina Bhattacheryya, Adv.
...for KMC.

Mr. Shayak Chakkarborty, Adv.
Md. Siraj, Adv.
...for Respondent nos.8 & 9.

The Court:-Petitioner prays for implementation of the order of the demolition passed by the Executive Engineer (Civil)/ Building Department, Borough-VIII on 15.05.2023.

It appears that the private respondents have constructed three additional floors over and above the two floors which were sanctioned.

Learned advocate representing the private respondents submits, upon instruction that, the order passed by the Executive Engineer (Civil) has been carried in appeal before the statutory forum being the Municipal Building Tribunal, Kolkata Municipal Corporation in B. T. Appeal No. 131 of 2023 on 16.06.2023.

As it appears that the order seeking implementation has been carried in appeal by the person responsible, accordingly, the Municipal Building Tribunal, Kolkata Municipal Corporation is requested to decide the appeal on merits and take a decision with regard to the application for stay and the

application filed under Section 5 of the Limitation Act seeking condonation of delay in preferring the appeal.

It will be open for the petitioner to follow up the matter before the appellate forum.

In the event the person responsible i.e. the private respondents herein fail to obtain stay of the order of demolition by 13.10.2023, then it will be open for the Corporation to take steps for implementation of the order of demolition in accordance with law.

Writ petition stands disposed of.

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

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

(AMRITA SINHA, J.)