

ORDER SHEET
WPO No.2753 of 2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction

ORIGINAL SIDE

SANJOY MULLICK & ANR.

VERSUS

THE KOLKATA MUNICIPAL CORPORATON & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:19th January, 2023.

Appearance:
Mr. Rupak Ghosh, Adv.
Mr. Avijit Dey, Adv.
Mrs. Bani Ghosh, Adv.
Mr. Biswaroop Mukherjee, Adv.
..for the Petitioners.
Mr. Gopal Chandra Das, Adv.
Mr. Debangshu Mondal, Adv.
..for KMC.
Mr. Nilofer Siddique Alam, Adv.
..for the State.
Mr. Suman Dutt, Adv.
Mr. Sumanta Biswas, Adv.
Mr. Bikash Shaw, Adv.
..for Respondent No.8.

The Court:-The order signed by the Executive Engineer (Civil), Building Department, Borough-II, Kolkata Municipal Corporation dated 7th January, 2023 has been placed in Court today. The said order was passed after hearing both the parties.

The Executive Engineer (Civil), Building Department, Borough-II, Kolkata Municipal Corporation was of the opinion that the projected verandah is required to be demolished.

It appears that the relief sought for by the petitioners has already been granted. There is no requirement of proceeding with the writ petition any further. The same stands disposed of.

Learned advocate representing the respondent no.8 is aggrieved by the said order passed by the Executive Engineer (Civil), Building Department, Borough-II, Kolkata Municipal Corporation. The private respondent intends to

prefer a statutory appeal before the learned Municipal Building Tribunal, Kolkata Municipal Corporation.

It has been submitted that though a copy of the order has been served upon the private respondent certifying it to be true, but the learned Municipal Building Tribunal, Kolkata Municipal Corporation is not accepting the appeal on the basis of the said order.

The Registry of the Municipal Building Tribunal, Kolkata Municipal Corporation is directed to accept the appeal to be preferred by the private respondent on the basis of the copy that has been served upon the said respondent. The private respondent is directed to apply and file the certified copy before the learned Municipal Building Tribunal, Kolkata Municipal Corporation as soon as the same is made available by the department.

The learned Municipal Building Tribunal, Kolkata Municipal Corporation is directed to consider the appeal to be preferred by the private respondent without insisting upon production of the certified copy of the order dated 7th January, 2023 passed by the Executive Engineer (Civil), Building Department, Borough-II, Kolkata Municipal Corporation.

All points are left open to be decided by the learned Municipal Building Tribunal, Kolkata Municipal Corporation at the time of hearing the statutory appeal.

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

(AMRITA SINHA, J.)