

20.02.2024
Sl. No.8(DL)
srm

C.O. No. 228 of 2024

Joydeb Saha & Anr.

Versus

Kolkata Municipal Corporation & Ors.

Mr. Gopal Chandra Ghosh,
Mr. Rajkrishna Mondal

...for the Petitioners.

Mr. Alok Kumar Ghosh,
Mr. Gopal Chandra Das

...for the Kolkata Municipal Corporation.

Mr. Sourav Sen,
Mr. Partha Chakraborty,
Mr. Muhammad Obaid

..for the Opposite Party No.3.

This Court is of the view that the revisional application should not be entertained further, in view of the alternative remedy of appeal.

The revisional application is, thus, disposed of granting liberty to the petitioner to prefer an appeal along with an application for stay, before the learned Municipal Building Tribunal within a period of two weeks from the date of communication of this order.

The Kolkata Municipal Corporation shall stay its hands with regard to the demolition of the concerned structure, for a period of eight weeks. If, within such period, the petitioner is

unable to obtain any interim stay of the order of the Special Officer (Building), the Kolkata Municipal Corporation shall be at liberty to proceed, in accordance with law.

This Court has not expressed any opinion either on the merits of the issues raised by the petitioner or the merits of the order of demolition. The learned Tribunal shall decide the entire matter, in accordance with law.

As the certified copy has not been issued to the petitioner, the petitioner shall file the appeal with the copy of the order annexed to the revisional application. The copy of the order of the Special Officer (Building), Kolkata Municipal Corporation, which has been annexed to this revisional application, be returned to the learned Advocate-on-record for the petitioner, upon furnishing a photocopy thereof. The learned Tribunal will accept filing of the appeal and the application for stay on the basis of the copy of the said order without insisting for a certified copy.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)