

07.03.2024
Sl. No.66(DL)
srm

C.O. No. 506 of 2024

Mrs. Sabiha Yasmin & Ors.

Versus

Kolkata Municipal Corporation & Ors.

Mr. Arijit Bardhan,
Mr. Siddharta Basu,
Mr. Nilanjan Bhattacharya

...for the Petitioners.

The petitioners are the appellants who have filed B.T. Appeal No.33 of 2020, which is pending before the learned Municipal Building Tribunal, Kolkata Municipal Corporation.

It is submitted that an application for condonation of delay in preferring the appeal as also an application for stay are pending. The petitioners pray for expeditious disposal of the applications.

Considering the submission, this Court is of the view that the prayer of the petitioners, for early disposal of the proceeding, is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties. Hence, there is no requirement for service of prior notice upon the opposite parties.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned tribunal to dispose of the application for condonation of delay, within a month from the date of communication of this order, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Upon the outcome of the said application and if the appeal is registered, the application for stay shall be decided within two weeks thereafter. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the applications. This order shall not be construed as a direction to pass orders in favour of the pending application. The Tribunal will proceed independently.

A copy of the revisional application along with a server copy of this order be served upon the opposite party within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)