

19.12.2024  
Item No.  
AD 6  
Saswata

**C.O. 1381 of 2024**

**Raj Kumar Singh**  
**versus**  
**The Executive Engineer, Civil (Borough XV), Building**  
**Department, Kolkata Municipal Corporation & ors.**

Mr. J. Ganguly  
Mr. Vinay Mishra

...For the petitioner

Mr. Swapan Kumar Debnath  
Mr. A.K.Biswas

...For the KMC

1. Affidavit of service filed in Court today is retained with the Court.
2. The instant revisional application has been filed challenging the order dated 29<sup>th</sup> February 2024 passed by the Municipal Building Tribunal, Kolkata Municipal Corporation in connection with BT appeal no. 212 of 2023 as also praying for a direction upon the Tribunal to consider the petitioner's stay application in connection with such appeal.
3. By order dated 19<sup>th</sup> April 2024, a Coordinate Bench of this Court taking into consideration the threat of demolition and the statutory remedy provided for and by reasons of non-availability of the members of the appellate tribunal, entertained the above civil revisional application had granted an interim protection.
4. Mr. Debnath learned advocate appearing for the KMC, on instruction, would submit that at present the Building Tribunal is functioning. According to Mr. Debnath, the instant revisional application may be disposed of by permitting the petitioner to approach the Tribunal.
5. Mr. Ganguly, learned advocate on the other hand would submit that though the Building Tribunal is functional, the matter has been fixed in the end of February 2025 and as such, if the application is disposed of and the interim protection is lifted,

the petitioner shall suffer irreparable loss and would be once again rendered remediless.

6. Having heard the learned advocates appearing for the respective parties and taking note of the fact that the Municipal Building Tribunal Kolkata Municipal Corporation is now functional, I am of the view that no fruitful purpose will be served by keeping the revisional application pending.

7. Having regard thereto, the instant revisional application is disposed of with a limited protection to the petitioner that the interim stay granted by the Coordinate Bench of this Court on 19<sup>th</sup> April, 2024, shall continue till the next date of hearing before the Tribunal.

8. It is made clear that if any stay application is filed by the petitioner, the same shall be duly considered by the Tribunal in accordance with law.

9. C.O. 1381 of 2024 along with its connected application being CAN 2 of 2024 is accordingly disposed of.

10. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

**(Raja Basu Chowdhury, J.)**