

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 1419 of 2024

Md. Musaib

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Sounak Bhattacharyya

Mr. S. Chakraborty

Mr. S. Mondal

Ms. H. Roy

.... For the Petitioner.

Mr. Alok Kumar Ghosh

Ms. I. Bhattacharyya

.... For the K.M.C

Mr. Asif Hussain

Ms. L. Pan

Ms. S. Nath

.... for the Complainants.

Learned Advocate for the petitioner and learned Advocate for the opposite party nos. 1 to 5 are present.

Heard learned Advocates for the parties.

This application under Article 227 of the Constitution of India was filed against the order dated 15.4.2024 passed by the learned Municipal Building Tribunal, Kolkata Municipal Corporation in B.T. Appeal No. 11 of 2024 along with the impugned notice dated 2.4.2024 passed by the Kolkata Municipal Corporation under Section 544 and 546 of the Kolkata Municipal Corporation Act.

S.D.

This application was instituted when an appeal was already pending before the Municipal Building Tribunal, Kolkata Municipal Corporation being Appeal No.

11 of 2024 on the ground that there was no Judicial Member in the Bench to adjudicate the cases.

Learned Advocates for the parties submit that at present the Municipal Tribunal is functioning and there is Judicial Member in the Bench to adjudicate the cases.

In the facts and circumstances of this case no fruitful purpose will be served in keeping this application pending.

Thus, this application under Article 227 of the Constitution of India stands disposed of with a request to the Municipal Building Tribunal, Kolkata Municipal Corporation to dispose the Appeal No. 11 of 2024 expeditiously in accordance with law.

As the petitioner was already protected by an interim order the said interim order shall continue for a period of eight weeks from date.

In the meantime, the petitioner shall take necessary steps to move the stay application before the Municipal Tribunal. It is hereby made clear that this court has not gone into the merits of the case and all points are left open to be argued before the Tribunal.

Mr. Asif Hussain, learned Advocate submits that his client who is a complainant with regard to demolition is not made a party.

However, this court at this stage does not feel inclined to go into the dispute and liberty is granted to the

complainant to make necessary prayer before the Tribunal.

(Biswaroop Chowdhury, J.)