

D/L- 7
19.12.2024
Ct. No.-5
Aritra

C.O. 2241 of 2024

Samina Haroon
-Vs-
The Municipal Commissioner,
Kolkata Municipal Corporation & Ors.

Mr. Parth Pratim Roy
Mr. Rajdeep Bhattacharya
Mr. Md. Imteyaz Aslam
...for the petitioner

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
....for the KMC

1. Challenging the order of demolition dated April 04, 2024 passed by the Executive Engineer (Civil)/Building in Borough No.IV and V, Building Department, Kolkata Municipal Corporation in connection with Demolition Case No.01-D/BR-V/2022-23 an appeal was filed before the Municipal Building Tribunal, Kolkata Municipal Corporation along with an application under Section 5 of the Limitation Act.

2. At the relevant point of time since the Tribunal was without a judicial member, the petitioner had approached this Court.

3. By an order dated June 25, 2024 a Co-Ordinate Bench of this Court taking note of the plight of the petitioner and that the petitioner had been rendered remediless while entertaining the revisional

application had stayed the operation of the demolition order dated April 04, 2024.

4. The said order was extended and is valid till the end of December, 2024.

5. Mr. Mukherjee, learned advocate representing the Kolkata Municipal Corporation on instruction has submitted that at present the Municipal Building Tribunal is functional and that there is an appropriate corum. He submits that since, the Tribunal is now functioning, the petitioner may be relegated to the Tribunal for disposal of the pending proceedings.

6. Having heard the learned counsel appearing for the respective parties and taking note of the fact that the Tribunal is now functional with its full strength it will only be appropriate to direct the petitioner to pursue his remedy before the Tribunal. However, having regard to the fact that the petitioner is enjoining an interim order, the interim protection granted by this Court shall continue till disposal of the stay application which the advocates for the parties confirm has been filed by the petitioner.

7. With the aforesaid direction, the revisional application being CO 2241 of 2024 stands disposed of.

8. There shall be no order as to costs.

9. All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)