

24.09.2024
Sl No.45
Ct No.15
S.A.

WPA 16768 of 2024

**Sk. Atior Rahaman
Vs.
Kolkata Municipal Corporation and Ors.**

Ms. Varsha Roy
...for the petitioner
Mr. Alak Kumar Ghosh
Ms. Manisha Nath
...for KMC
Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
...for the State

It appears that the demolition order dated November 30, 2023, has been sought to be implemented by the Corporation by issuing a notice dated March 11, 2024.

It is an admitted position that an appeal (B.T. Appeal No.42 of 2024) is pending against the said demolition order before the Building Tribunal.

Learned advocate appearing for the petitioner submits that since the Building Tribunal is not functioning, the appeal could not be decided, though it was fixed for peremptory hearing.

It has been submitted by the learned advocate appearing for the Corporation that the Building Tribunal is expected to resume its functioning soon.

I am of the view that the petitioner should be allowed to exhaust his appellate remedy.

Accordingly, this writ petition is disposed of with the following orders:

An endeavour shall be made by the Tribunal to dispose of the appeal within a period of three months from the date of resumption of its function.

Operation of the demolition order dated November 30, 2023, is stayed for a period of three months from date or till the disposal of the appeal, whichever is earlier.

If the appeal is not disposed of within the stipulated time period, the petitioner will be at liberty to apply before the Building Tribunal for extension of the stay order.

The Tribunal shall decide the extension of stay in accordance with law without being influenced by the orders passed in this writ petition.

Needless to mention that in the event, the stay order is not extended by the Tribunal, the Corporation will be at liberty to proceed with the demolition work.

Accordingly, **WPA 16768 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)