

06.11.2024
Sl. No.28
Ct. No.15
S.A.

WPA 17516 of 2024

Ramesh Prasad

-vs-

**The Municipal Commissioner, Kolkata
Municipal Corporation & Ors.**

Mr. Sourav Chatterjee

Ms. Tina Biswas

...for the petitioner

Mr. Sandipan Banerjee

Mrs. Ujani Pal (Samanta)

...for Kolkata Municipal Corporation

An adjournment is sought on behalf of the petitioner at the time of call.

The learned advocate representing the Kolkata Municipal Corporation submits a report, which is kept on record.

The petitioner challenges a demolition order issued by the Kolkata Municipal Corporation, dated November 1, 2023. From the report filed by the Corporation it appears that the petitioner has filed an appeal against the demolition order before the Municipal Building Tribunal, which has been registered as B.T. Appeal No.217 of 2023. The appeal is currently pending.

In my view, the demolition order should not be enforced until the petitioner has had an opportunity to exhaust his remedy of statutory appeal.

In light of the above, I dispose of this writ petition with the following directions :

The Kolkata Municipal Building Tribunal is directed to dispose of B.T. Appeal No.217 of 2023 within six months from the date of communication of this order, without granting any unnecessary adjournments to the parties.

Upon the disposal of the appeal, the Kolkata Municipal Corporation shall be at liberty to take any necessary steps in accordance with the law.

Accordingly, **WPA 17516 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)