

09.07.2024
Item No. 89
Ct. No. 15
AKG

WPA 17548 of 2024
M/s. Tarafder Construction & Anr.
Vs.
The Kolkata Municipal Corporation & Ors.

Md. Shahjahan Hossain,
Ms. Sanjida Sultana

...for the Petitioners

Mr. Gopal Ch. Das,
Ms. Manisha Nath

...for KMC

A demolition order against the petitioners was passed by the Special Officer (Building), Kolkata Municipal Corporation on September 2, 2023 regarding a construction at premises no. 283/1A, N.S.C. Bose Road, Ward No. 100, Kolkata – 700 047.

The petitioners preferred an appeal (B.T. APP. No. 67/2024) against the said order before the Building Tribunal, Kolkata Municipal Corporation.

It is not in dispute that as on date, the Building Tribunal is not functioning for want of a Judicial Member and a Technical Member.

The petitioner's application for stay filed in connection with the appeal was not decided by the Tribunal.

In my view, the implementation of the demolition order shall render the remedy of appeal nugatory.

Accordingly, I dispose of this writ petition with a direction upon the Corporation not to proceed with the demolition work for a period of one month after the Tribunal resumes its judicial function.

Needless to mention that the continuation of the stay order beyond the said period of one month and the outcome of the appeal will be at the discretion of the Tribunal without being influenced by this order.

With the aforesaid observation, **WPA 17548** of **2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)