

10.07.2024
SI No.ADSL1
Ct. No.15
S.A.

WPA 17733 of 2024

Md. Amin

-vs-

State of West Bengal & Ors.

Mr. Biswajib Ghosh

Mr. Sumitava Chakraborty

Ms. Bratati Pramanick

...for the petitioner

Mr. Alak Kumar Ghosh

Mr. Swapan Kumar Debnath

...for Kolkata Municipal Corporation

Mr. Biswabrata Basu Mallick

Mr. Biman Halder

...for the State

The petitioner seeks to stay the hands of the Corporation from proceeding with a demolition order dated January 1, 2024, passed in respect of premises no.105/3C, Ustad Enayat Khan Avenue, Kolkata-700017.

The petitioner submits that an appeal is pending before the Building Tribunal against the demolition order. An injunction order was passed by the Tribunal against the demolition order. Since as on date, the Tribunal which passed the interim order, is not functional, this court should restrain the Corporation from implementing the demolition order.

It has been submitted by the Corporation that the interim order was passed by a Technical Member in absence of the Judicial Member and, therefore, the said interim order is a nullity.

It has also been submitted by the Corporation that during pendency of the appeal, the petitioner constructed two additional floors without any sanctioned plan.

I find substance in the submission of the Corporation. Additionally, I note that the initial order of injunction was granted by the Tribunal without assigning any reason on March 6, 2024, and the same expired on April 2, 2024.

In view of the aforesaid facts, I am not inclined to pass any order in this writ petition. I only clarify that Corporation shall not demolish the sanctioned portion of the building.

With the aforesaid observation, **WPA 17733 of 2024** is disposed of.

(Kausik Chanda, J.)