

22.07.2024

Sl.2

Suman

Ct.No.15

WPA 18431 of 2024

Smt. Keya Sarkar

Vs.

The Kolkata Municipal Corporation and Ors.

Ms. Koyeli Bhattacharyya
..for the petitioner

The Kolkata Municipal Corporation is not represented.

The petitioner submits that the impugned demolition order dated May 28, 2024, appearing at page 16 of the writ petition is going to be implemented today. Though the petitioner sought to prefer an appeal against the said demolition order before the Building Tribunal of the Corporation, the appeal could not be filed as the Tribunal is non-functional for want of its members.

It is further submitted that the unauthorised construction covers an area about 187.66 square feet.

I am of the opinion that the petitioner should not be deprived of her appellate remedy against the impugned demolition order as provided under the statute.

Since the petitioner is not in a position to pursue her application for stay before the Tribunal for

no fault on her part, an interim protection should be granted to the petitioner.

Accordingly, I dispose of the writ petition with the following orders.

The operation of the notice dated May 28, 2024, shall remain stayed for a period of one month after the date of re-opening of the Tribunal. After its re-opening, the Tribunal shall expeditiously take up the appeal and stay application for hearing. The Tribunal shall decide the stay application and the appeal on its merit without being influenced by this order passed in this writ petition.

This order is subject to filing of the appeal by the petitioner within a period of seven days from date.

The Registry of the Building Tribunal shall issue necessary challan to the petitioner for deposit of required fees and the appeal shall be registered accordingly subject to compliance of all necessary formalities by the petitioner.

Accordingly, **WPA 18431 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.)