

19.06.2024
Sl. No.01.
Suman
Ct.No.15

WPA 20195 of 2023

Kali Sankar Roy
Vs.
The Kolkata Municipal Corporation and Ors.

Mr. Sanjoy Mukherjee
Mr. Arghadip Das
..for the petitioner

Mr. Gurudas Mitra
Mr. Sundar Gopal Bhattacharyya
..for KMC

Mr. Souma Subhra Ray
..for respondent nos. 5 and 6

The petitioner alleges an unauthorised construction at premises no. 109, Sagar Manna Road P-115 Sagar Manna Road, Ward no.132, Borough-XIV at the behest of respondent nos. 5 and 6.

It is the grievance of the petitioner that an agreement for development in respect of the said premises was entered into between the owners of the premises and respondent nos. 5 and 6. The petitioner was one of the co-owners.

As per the development agreement, though the petitioner was entitled to three car parking spaces, respondent nos. 5 and 6 allotted only one car parking space to him and the other two car parking spaces

have been unauthorisedly converted into residential flats and subsequently sold to other parties. Respondent nos. 5 and 6, however, deny the allegation of the writ petitioner. It is the contention of respondent nos. 5 and 6 that the petitioner has been allotted three car parking spaces as per the development agreement.

On behalf of the Corporation, it has been submitted that following a complaint lodged by the petitioner, a demolition case was initiated by the Corporation and the relevant Special Officer (Building) passed a demolition order dated February 15, 2023. Respondent nos. 5 and 6 have preferred an appeal (Appeal no.51 of 2024) before the Building Tribunal of the Corporation against the said order dated February 15, 2023. In the appeal, a stay order was passed by the Building Tribunal. The appeal, however, has not yet been disposed of.

It appears that respondent nos. 5 and 6 did not implead the petitioner as a party in the appeal though, before the Special Officer (Building) the petitioner was heard.

In that view of the matter, I grant liberty upon the petitioner to apply before the Building Tribunal to be added as a party. If such application is made within a period of three months from the date of communication of this order, the Building Tribunal shall add the petitioner as a respondent in this appeal.

It is desirable that the Building Tribunal shall dispose of the appeal as expeditiously as possible.

Accordingly, **WPA 20195 of 2023** 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.)