

OD-4

ORDER SHEET
WPO No.165 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KESHAV KUMAR DUBEY
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 5th March, 2024.

Appearance:
Mr. Rajdeep Mantha, Adv.
Mr. Rajesh Upadhyay, Adv.
Mr. Akshay Jain, Adv.
...for Petitioner.

Mr. Swapan Kumar Debnath, Adv.
Mrs. Sima Chakraborty, Adv.
...for KMC.

Mr. Raghunath Chakraborty, Adv.
Mr. Nikhilesh Mittal, Adv.
Mr. Prasanna Halder, Adv.
...for Respondent Nos. 8 & 9.

Mr. Debangshu Dinda, Adv.
...for State.

The Court:- The petitioner seeks implementation of the order dated 21st August, 2023 passed by the Executive Engineer [Civil]/Building, Borough-IV and V, Kolkata Municipal Corporation.

The private respondents have challenged the said order dated 21st August, 2023 before this Court by filing WP No.1543 of 2023 [Vedant Dealtrade & Anr. Vs. Kolkata Municipal Corporation & Ors.]. A Coordinate Bench of this Court on 25th August, 2023 was pleased to stay the order of demolition till hearing of the statutory appeal, if it is preferred by the petitioner within time.

Learned advocate representing the private respondents has produced the information slip collected from the Municipal Building Tribunal which discloses that B.T. Appeal No.176 of 2023 was filed on 5th September, 2023.

The same is pending and the next date is fixed on 2nd May, 2024 for receiving the case records from B.T. Cell, Kolkata Municipal Corporation.

It appears from the order of demolition that the construction in question was in the form of covering up the open courtyard portions of all the floors and the same was erected without sanction. The demolition order further records that if the structure is permitted to be retained it may endanger or is likely to endanger human life or property.

As the statutory appeal appears to have been filed within the period of thirty days from the date of passing the order of demolition, accordingly, the Municipal Building Tribunal is requested to consider and dispose of the same at the earliest but positively by 30th June, 2024.

The private respondents herein are directed to hand over a copy of the memorandum of appeal along with stay application, if any, to the learned advocate representing the writ petitioner herein.

It will be open for the petitioner to take appropriate steps before the statutory appellate forum. The Executive Engineer [Civil]/Building is directed to forthwith transmit the records of the case before the statutory Building Tribunal so that the appeal can be decided without any further delay.

The writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)