

OD - 38

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO/727/2024

SRI DIPAK DAS

VS

MUNICIPAL COMMISSIONER, THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE :
THE HON'BLE JUSTICE KAUSIK CHANDA
Date : 5th November, 2024

Appearance :
Ms. Sushmita Sen, Adv.
..for the petitioner.
Mr. Sandipan Banerjee, Adv.
Ms. Ujani Pal, Adv.
...for KMC.
Mr. Ayan Kumar Boral, Adv.
..for the respondent no.5.

The Court : The petitioner alleges unauthorized construction at premises No. 20B, Gokul Boral Street, Kolkata - 700 012, allegedly undertaken at the behest of the respondent No. 5. The Corporation submits that a demolition order was issued concerning the unauthorized construction on November 1, 2023; however, the order could not be executed due to resistance from the occupiers of the premises.

The learned Advocate representing respondent No. 5 submits that the respondent has filed an appeal before the Building Tribunal, which has been registered as BT Appeal No. 217 of 2023, challenging the demolition order. He further submits that, on

May 17, 2024, the Building Tribunal issued an order restraining the Corporation from taking any coercive action in relation to the demolition.

In light of the above, I am not inclined to entertain this writ petition. However, it is imperative that the appeal filed by the respondent No. 5 be disposed of expeditiously by the Building Tribunal, preferably within a period of six months from the date of this order. The petitioner is granted liberty to file an application for addition of parties before the Building Tribunal in connection with the pending appeal.

Accordingly, WPO No.727 of 2024 is disposed of.

(KAUSIK CHANDA, J.)

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