

Sl. No.33.
13.01.2025
Suman
Ct. 15

WPA 12627 of 2024

Aleya Khatun @ Aliya Khatun
Vs.
Kolkata Municipal Corporation and Ors.

Md. I. A. Lodhi
Mr. Syed E. Huda
Sk. Aptabuddin
..for the petitioner

Mr. Barin Banerjee
Mr. Atis Kumar Biswas
..for KMC

Mr. Billwadal Bhattacharyya, Sr. Adv.
Mr. Anish Kumar Mukherjee
Mr. Tamoghna Pramanick
..for respondent no.6

Mr. A. Bhattacharya
..for the State

A demolition order was issued by the Kolkata Municipal Corporation in relation to an alleged unauthorised construction located at 13/1, Ward No. 65, Tiljala Place, P.S. Karaya, Kolkata-700017. It is undisputed that, in response to this demolition order, respondent no. 6 has filed an appeal before the Building Tribunal of the Corporation, which has been registered as B.T. Appeal No. 163 of 2023.

The learned advocate representing the petitioner, who seeks the demolition of the alleged unauthorised

construction, contends that respondents no. 6 and 7 have constructed three additional floors without obtaining a sanctioned plan from the Corporation.

I am of the view that respondent no. 6 should be permitted to exhaust the remedy available through the statutory appeal. In the interim, the demolition order dated April 27, 2023, shall not be implemented.

Accordingly, this writ petition is disposed of with a direction to the Municipal Building Tribunal to expedite the disposal of B.T. Appeal No. 163 of 2023, preferably within four months from the date of communication of this order.

The petitioner is at liberty to file an application for the addition of parties in the pending appeal. If such an application is filed, the Tribunal shall consider it in accordance with the law.

Accordingly, **WPA 12627 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.)