

15 12.06.2025
NB Ct. 15

WPA 12429 of 2025

Nanda Dulal Chakraborty
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Aditya Mondal,
Mr. Snehasish Dey.
...for the petitioner.

Mr. Alok Kr. Ghosh,
Ms. Ina Bhattacharyya.
....for KMC.

This writ petition has been filed challenging the demolition order dated May 22, 2017. The petitioner alleges that the said demolition order was communicated to him by a letter dated May 19, 2025, which he received on May 25, 2025.

It is submitted on behalf of the petitioner that he now intends to prefer a statutory appeal against the demolition order before the Building Administrative Tribunal of the Kolkata Municipal Corporation.

Learned counsel appearing for the Kolkata Municipal Corporation, on the other hand, submits that although a G+2 building plan was sanctioned, the petitioner and the developer have constructed an additional floor beyond the sanctioned plan.

I am of the view that the petitioner should be granted an opportunity to avail the remedy of statutory appeal, as prayed for by the learned advocate representing the petitioner.

Accordingly, liberty is granted to the petitioner to prefer an appeal before the Building Tribunal within a period of two weeks from the date of this order.

The Corporation shall refrain from proceeding with the demolition work for a period of one month from the date of this order.

However, if the petitioner fails to file the appeal within the stipulated period of two weeks, the interim order shall stand automatically vacated.

Should the appeal be filed in accordance with this order, the continuation of the stay order beyond the period of one month shall be at the sole discretion of the Building Tribunal, without being influenced by the observations made herein.

If applied for, the Corporation shall provide the certified copy of the demolition order to the petitioner within seven days from the date of such application.

With these directions, **W.P.A. 12429 of 2025** is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Kausik Chanda, J.)