

D/L- 26
28/08/2025
Ct. No.-6
Aritra

C.O. 2622 of 2025

**Madan Chandra Khatua @
Madan Mohon Khata & Anr.
Versus
The Municipal Commissioner,
The Kolkata Municipal Corporation & Ors.**

Mr. Biswaroop Bhattacharya
Mr. Abir Lal Chakraborty
Mr. Sumitava Chakraborty
Mr. Rishov Das

....for the petitioner

Mr. Gopal Chandra Das
Ms. Ananya Das

....for the KMC

Mr. Chiranjib Sinha

....for the opposite party No.3

Though this matter is appearing under the heading 'Extension of Interim Order' but with the consent of the learned advocates for the respective parties the main civil revision application is taken up for final hearing by treating the same as on the day's list.

This application under Article 227 of the Constitution of India is at the instance of the person responsible and is directed against an order being No.21 dated June 23, 2025 passed by the learned Municipal Building Tribunal, Kolkata Municipal Corporation in Appeal No.155 of 2023.

By the order impugned the prayer for stay of operation of the order of demolition passed by the Special Officer Building dated July 24, 2023 stood rejected.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that unless an interim protection is granted the appeal would become infructuous.

The learned advocate appearing for the private respondent submits that the entire construction is an unauthorised construction. He further submits that the construction was made without any sanction plan.

Mr. Das, learned advocate appearing for the Kolkata Municipal Corporation submits that certain portions of the building are unauthorised one.

After hearing the learned advocates for the respective parties and considering the materials on record, this Court finds that several factual and legal issues have been raised in the appeal which has to be considered by the tribunal in accordance with law. If during the pendency of the appeal before the building tribunal the order of demolition is implemented, the appeal pending before the learned tribunal would become infructuous.

This Court is, therefore, of the considered view that interest of justice would sub-served if the Municipal Building Tribunal, Kolkata Municipal Corporation is directed to dispose of the appeal expeditiously.

It is uniformly submitted by the learned advocates for the respective parties that the appeal is otherwise ready for hearing and December 16, 2025 is the date fixed for hearing of the said appeal.

In view thereof, CO 2622 of 2025 stands disposed of by requesting the learned Municipal Building Tribunal,

Kolkata Municipal Corporation to take up the hearing of the Appeal No.155 of 2022 on the next date i.e. on December 16, 2025 and to make an endeavour to dispose of the same as expeditiously as possible but preferably within a period of 12 weeks from the next date fixed without granting any unnecessary adjournments to either of the parties.

There shall be an order of stay operation of the notice of demolition dated July 14, 2025 as well as the order of demolition passed by the Special Officer (Building) on July 24, 2023 till the disposal of the Appeal No.155 of 2022.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)