

28.02.2025
Sl. No.6
Ct. No.15
S.A.

WPA 21574 of 2024

Ricky Bishwakarma & Ors.
-vs-
The Kolkata Municipal Corporation & Ors.

Mr. Subhrangsu Panda
Ms. Haritri Roy

...for the petitioners

Mr. Biswajit Mukherjee
Ms. Sima Chakraborty

...for K.M.C.

The dispute concerns a construction located at 6B, Gouri Sankar Ghosal Lane, Kolkata-700011, Ward No. 30, Borough-III, under the Kolkata Municipal Corporation.

A demolition order in respect of the building at the aforementioned premises was issued by the Corporation on September 8, 2023.

The petitioners assert that they purchased the building in 2018 through several sale deeds executed between 2018 and 2021. Additionally, the petitioners contend that the mutation for the building has been duly carried out by the Municipality. The petitioners further claim that they have filed an application before the Kolkata Municipal Corporation for the regularisation of the alleged unauthorised construction. In response, the Corporation informed the petitioners that a fee of Rs. 51,99,126/- (Rupees

fifty-one lakh ninety-nine thousand one hundred and twenty-six) is required for the regularisation process.

The petitioners state that they are willing to deposit the prescribed fee with the Corporation and request that the alleged unauthorised construction be regularised.

On the other hand, Mr. Biswajit Mukherjee, the learned advocate for the Corporation, submits that some of the petitioners have filed an appeal before the Municipal Building Tribunal (B.T. Appeal No. 6 of 2024) to challenge the demolition order. This appeal is still pending for consideration. Mr. Mukherjee argues that the prayer for regularisation cannot be addressed until the appeal is resolved by the Tribunal.

I find merit in Mr. Mukherjee's submission that the prayer for regularisation cannot be considered while the appeal is pending before the Municipal Building Tribunal.

In light of the above, I dispose of this writ petition, granting the petitioners the liberty to file a prayer for the regularisation of the alleged unauthorised construction. Should such an application be made, the Tribunal shall consider the prayer while disposing of the pending appeal. However, it is clarified that this order should not be construed as a direction to the Tribunal to accept the

prayer for regularisation, and the Tribunal should assess the application on its own merits.

Accordingly, **WPA 21574 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)