

01.07.2025
Sl. No.17
Ct.3/ tkm

WPA 23380 of 2024

[Kalyani Makhal -Vs- State of West Bengal & Ors.]

Mr. Anindya Lahiri
Mr. A Sengupta
Mr. Asish Chakraborty
... .. for the petitioner

Mr. Shankha Shubhra Mukherjee
Ms. Banali Saha
... for respondent no. 9

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kr. Nag
Mr. Tirthankar Dey
... .. for the BMC

1. At the outset, learned counsel for the respondent corporation submits that the present order is an appealable order before the Municipal Building Tribunal under section 266(3) of the West Bengal Municipal Corporation Act 2006.
2. Learned counsel for the petitioner submits that, at the time of filing the present writ petition, the Municipal Building Tribunal was not functional. However, it is made functional recently.
3. Since the Municipal Building Tribunal is now functional, learned counsel for the petitioner submits that he shall withdraw the present writ petition and file appropriate proceeding

before the Municipal Building Tribunal in accordance with law.

4. Liberty is granted.
5. The Municipal Building Tribunal shall consider condoning the delay in filing the appeal by taking into account the period during which the petitioner was bona fide pursuing a remedy before this Court through the present writ petition.
6. It is made clear that the impugned demolition order dated 24.06.2023 shall not be given effect to for a period of three weeks, to enable the petitioner to approach the Municipal Building Tribunal
7. It is further clarified that if the petitioner does not avail the remedy available to him under the law within the time granted by this Court, the Municipal Corporation shall be at liberty to enforce the order dated 24.06.2023.
8. In view of this, the present writ petition is disposed of.

(Gaurang Kanth, J.)