

28.10.2025
Sl. No. 69
Ct No. 3
SG

WPA 23827 of 2025

Rakia Bibi

Vs

Bidhannagar Municipal Corporation & Ors.

Mr. Biswaroop Bhattacharya,
Mr. Sumitava Chakraborty,
Mr. S. Dey.

...for the petitioner

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.

...for BMC

1. Learned Counsel for the petitioner states that the petitioner had challenged the notice dated 20.08.2025 issued by respondent no. 3. It is further contended that an appeal, being No. 3 of 2025, has already been filed before the Kolkata Municipal Corporation Building Tribunal and is presently pending adjudication before the said tribunal. Learned Counsel for the petitioner further submits that the petitioner was compelled to approach this Court as the said tribunal was not functioning during the Puja Vacation.

2. This Court vide order dated 03.10.2025, had stayed the operation of the notice dated 20.08.2025 till 29.10.2025. The petitioner submits that since the matter is already pending adjudication and is listed for hearing on 19.11.2025, he does not wish to press the present writ petition but seeks protection for a period of one week

from this Court to enable him to move an appropriate application before the Kolkata Municipal Corporation Building Tribunal.

3. Accordingly, the interim order granted earlier is further extended for a period of one week to enable the petitioner to move an appropriate application before the concerned Building Tribunal.

4. It is made clear that this Court has not expressed any opinion on the merit of the matter. The protection granted herein is only by reason of the fact that the matter was already listed for hearing before the Kolkata Municipal Corporation Building Tribunal and that the impugned notice dated 20.08.2025 was received by the petitioner on 20.09.2025, having been affixed at his premises.

5. Since the tribunal was not functioning during that relevant period, the petitioner was constrained to file the present writ petition. However, in view of the pendency of the appeal before the Kolkata Municipal Corporation Building Tribunal, the petitioner seeks to withdraw the present writ petition, reserving his liberty to move an appropriate application before the learned tribunal within a period of one week.

6. Liberty is granted.

7. Accordingly, the present writ petition is disposed of in terms of the above directions.

(Gaurang Kanth, J.)