

S/L- 1
25/04/2025
Ct. No.-6
Aritra

C.O. 3643 of 2024

With

CAN 1 of 2025

With

CAN 2 of 2025

Samik Bhattacharyya

Vs.

**Municipal Commissioner, Kolkata
Municipal Corporation & Ors.**

Mr. Tanmoy Mukherjee
Mr. Debrup Choudhury
....for the petitioner

Mr. Alak Kr. Ghosh
Mr. Swapan Kr. Debnath
....for the KMC

Mr. Raghunath Chakraborty
Ms. Mohona Das
....for added respondent

This matter was mentioned today citing grave urgency. Considering the urgency pleaded by the learned advocate for the petitioner, this matter was directed to appear in the supplementary list today.

The learned advocate for the petitioner was directed to inform the learned advocate for the corporation and other parties.

Pursuant to the notice being served Mr. Ghosh, learned advocate assisted by Mr. Debnath appear for the Kolkata Municipal Corporation.

When this matter is taken up for hearing, Mr. Chakraborty, learned advocate appears and submits that his client has taken out an application being CAN 1/2025

for being added as party respondent in this civil revisional application as pursuant to the complaint made by the applicant in CAN 1/2025, the Special Officer Building, Kolkata Municipal Corporation passed the order of demolition which is the subject matter of challenge in this civil revision application.

This application under Article 227 of the Constitution of India was filed at a point of time when the Municipal Building Tribunal was not functional. The co-ordinate Bench by an order dated October 7, 2024 passed an order of stay of operation of the order of demolition dated December 13, 2021 till the end of month of December, 2024.

It is not in dispute that in the meantime the Municipal Building Tribunal has become functional and the petitioners have already approached the Municipal Building Tribunal.

After some argument, Mr. Mukherjee, learned advocate appearing for the petitioner, on instructions submits that he has instruction not to press this application under Article 227 of the Constitution of India, since the petitioner has already approached the Municipal Building Tribunal.

In the light of the submissions made by Mr. Mukherjee, learned advocate for the petitioner CO 3643 of 2024 stands dismissed as not pressed. In view thereof,

CAN 1 of 2025 and CAN 2 of 2025 are disposed of accordingly.

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

(Hiranmay Bhattacharyya, J.)