

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/409/2025

ANJU TIBREWAL
-VS-
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: June 9, 2025.

Appearance:

Mr. Partha Sarathi Deb Barman, Adv.

Mr. Amit Gupta, Adv.

Mr. Rishav Deb Barman, Adv.

... for the petitioner

Mr. Alak Kr. Ghosh, Adv.

Mr. Swapan Kr. Debnath, Adv.

... for the Kolkata Municipal Corporation

Ms. B. K. Prerna

(appears in person representing the respondent nos.5 and 6)

The Court : It appears that the demolition order was issued by the Corporation on September 4, 2024, concerning certain alleged unauthorised construction at premises No. 2B, Motilal Basak Lane, Ward No. 31 under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner had preferred an appeal against the said demolition order, registered as BT Appeal No. 43 of 2025. During the pendency of the appeal, the Corporation sought to execute the demolition order, as no stay order had been granted by the Building Tribunal of the Corporation.

Mr. Ghosh, learned advocate appearing on behalf of the Corporation, submits that partial demolition work has already been

carried out. However, in view of the filing of this writ petition, the Corporation has restrained itself from proceeding with any further demolition.

Ms. B. K. Prerna appears in person on behalf of an organization, namely, Brahma Kumaris. It is submitted by Ms. Prerna that Brahma Kumaris are the owners of the first floor, and the impugned construction has encroached upon their windows, thereby infringing upon the privacy of the women members of the organization and causing significant disruption to the day-to-day functioning of the organization.

I am of the view that since a statutory appeal, accompanied by an application for stay, has already been preferred by the petitioner before the statutory appellate authority, demolition of the remaining alleged unauthorized construction would render the appeal infructuous.

In light of the above, I hereby restrain the Corporation from proceeding with any further demolition work for a period of six months from the date hereof.

I further grant liberty to the owners of the first floor to file an application before the Building Tribunal seeking to be added as a party to the appeal. Should such application be made within three weeks from the date of this order, the Tribunal shall allow the same, and the owners of the first floor shall be allowed to contest the appeal.

It is, however, made clear that if the petitioner fails to obtain any favourable order from the Tribunal within the stipulated period of six months, the Corporation shall be at liberty to execute the demolition order dated September 4, 2024.

I further clarify that I have not examined the merits of the demolition order passed by the Corporation, and the appellate authority shall consider the appeal and the stay application filed by the petitioner strictly in accordance with law, without being influenced by any observations made in this writ petition.

It is expected that the Tribunal shall adjudicate the appeal and the application filed by the petitioner without granting any unnecessary adjournments to the parties.

WPO /409/2025 is disposed of.

(KAUSIK CHANDA, J.)

RS