

Sl. No.01ADSL
07.01.2026
Suman
Ct. 15

WPA 30067 of 2025

Raja Ram Prasad
Vs.
The State of West Bengal and Ors.

Mr. Sabyasachi Chatterjee
Mr. Rishabh Ahmad Khan
Mr. Debabrata Roy
..for the petitioner

Mr. Alok Kumar Ghosh
Ms. Debangana Dey
..for KMC

This writ petition arises in the context of a series of prior litigations. Only the facts relevant to the present case are noted herein in brief.

A demolition order was passed by the Special Officer (Building), Kolkata Municipal Corporation, dated July 18, 2022, in respect of a G+3 storied building. Challenging the said demolition order, the petitioner preferred an appeal being B.T. Appeal No. 151 of 2022 before the Kolkata Municipal Corporation (Building) Tribunal.

One of the occupiers of the flat, namely Joydip Gupta, challenged the said order by filing C.O. No. 3919 of 2022 before this Court. A Coordinate Bench of this Court, by order dated July 4, 2023, disposed of the said application, granting a stay for a period of four months and further directing the Kolkata

Municipal Corporation (Building) Tribunal to dispose of the proceedings within the said period.

It appears that, following the High Court's order, the appellants before the Tribunal proceeded with the appeal diligently. However, from September 11, 2023, there was no representation by the appellants before the Tribunal. The Tribunal ultimately, by order dated November 29, 2023, dismissed B.T. Appeal No. 151 of 2022 for default.

Subsequent to the dismissal of the appeal, the Corporation issued a further notice of demolition dated December 12, 2025, fixing the date of demolition as January 8, 2026. Challenging the said notice, the present writ petition has been filed by one of the occupiers of the relevant building.

Mr. Sabyasachi Chatterjee, learned advocate appearing for the petitioner, submits that a restoration application has already been filed before the Tribunal and that, without consideration of the restoration application, the demolition notice is sought to be executed. Consequently, the appeal pending before the Tribunal would become infructuous.

Although the Court is not persuaded by the conduct of the writ petitioner in pursuing the appeal before the Tribunal, in the interests of justice, this Court grants a limited stay of demolition for a period

of six weeks from the date of this order. The Court finds some substance in the argument that the building should not be demolished before consideration of the restoration application on merit.

Accordingly, the Tribunal is directed to decide the restoration application of the petitioner as expeditiously as possible, preferably within a period of one month from the date of this order. The petitioner shall communicate a copy of this order to the Tribunal.

It is needless to mention that this Court has not examined the merits of the restoration application. The Tribunal shall be at liberty to decide the application on its merits and consider whether to extend, modify, or vacate the stay order passed by this Court today depending on the outcome of the restoration application.

Accordingly, **WPA 30067 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)