

14.01.2022
(S/L-04)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1947 of 2021

Smt. Manju Agarwal & Ors.

-Vs-

The Municipal Commissioner, The
Kolkata Municipal Corporation & Ors.

Mr. Aniruddha Chatterjee,
Mr. Ankit Agarwala,

.... For the Petitioners.

Mr. Alak Kumar Ghosh,
Ms. Manisha Nath,

... For the KMC.

Mr. Nilanjan Bhattacharjee,
Mr. Brajesh Jha,
Mr. Ravi Ranjan Kumar,

... For the Intervener.

The issue involved in the present revisional application is whether the petitioners can maintain the connected B. T. Appeal No. 45 of 2021 having found prima facie not responsible for execution of the alleged unauthorized construction.

To decide the said issue more effectively, the authority of the Kolkata Municipal Corporation the opposite party no. 1 herein is required to produce the records of the said appeal before this Court on the next date of hearing.

The opposite parties shall affirm the affidavit-in-opposition to the revisional application within two weeks from date; reply

thereto, if any, be affirmed by the petitioners within one week from date of receipt of the copy of such affidavit-in-opposition.

The parties shall file their respective affidavits in Court on the next date of hearing.

Let the revisional application be listed under the heading “**Contested Application**” on 16th February 2022.

Pending decision on the aforementioned issue, the order of demolition of the alleged unauthorized construction affirmed by the order impugned in the connected appeal cannot be given effect to.

Therefore, there shall be stay of operation of order dated November 12, 2021 passed by the Chairman Municipal Building Tribunal, Kolkata Municipal Corporation in B.T Appeal No. 45 of 2021, till the end of the month of March, 2022 or until further order whichever is earlier.

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

(Biswajit Basu, J.)