Sl.464
14.10.2026
Court No.6
BP

C.O. 3819 of 2026

Faruk Khan
-versus-
The Kolkata Municipal Corporation & Ors.

Mr. Sumitava Chakraborty
Mr. Sounak Mondal
Ms. Haritri Roy
..for the petitioner

Mr. Billwadal Bhattacharyya, Ld. AAG
Mr. Srijib Chakraborty
Mr. Debanjan Mukherjee
..for KMC

By the order dated 12th October, 2026 passed by the Municipal Building Tribunal, Kolkata Municipal Corporation in Appeal No. 27 of 2026 the interim order of stay was not extended on the ground that no application praying for extension of the interim order was passed.

Mr. Sumitava Chakraborty, learned advocate appearing for the petitioner submits that though the application for extension of interim order was affirmed on 12th October, 2026 but when the matter was taken up for hearing before the Tribunal the application could not be filed. The copy of such application has been annexed to the supplementary affidavit.

Mr. Billwadal Bhattacharya, learned Additional Advocate General submits that a Public Interest Litigation being WPO(P)/1/2026 in the case of Trived Kumar Jaiswal Vs. Kolkata Municipal Corporation & Ors. is pending before the Hon'ble Division Bench concerning several

properties including the impugned construction. He draws the attention of the court to an order dated 25th September, 2026 passed in the said Public Interest Litigation. He further submits that today (14.10.2026) at the time of hearing of the Public Interest Litigation it was pointed out before the Hon'ble Division Bench that the instant civil revisional application challenging an order dated 12th October, 2026 passed by the Municipal Building Tribunal, Kolkata Municipal Corporation is pending before this Court and the hearing of the Public Interest Litigation has been adjourned to 8th December, 2026. He submits that since the Public Interest Litigation is pending before the Hon'ble Division Bench no interim protection should be granted in favour of the petitioner.

However, after going through the order dated 25th September, 2026 this Court finds that the Hon'ble Division Bench directed the Municipal Building Tribunal to prepone the hearing of the matter to 5th October, 2026 for deciding as to whether the ad interim relief granted should be continued or vacated. Pursuant to the said order the matter was taken up by the learned Tribunal on 5th October, 2026 and the learned Tribunal extended the interim order till 12th October, 2026. In the order dated 05.10.2026, the learned Tribunal noted that in the order which was impugned in Appeal no. 27 of 2026, there was no whisper of the pending application for regularization. That apart the actual nature and extent of infringement of

Building Rules allegedly violated are conspicuously absent. On the aforesaid grounds the interim order was extended till 12.10.2026. However, on 12th October, 2026 the learned Tribunal refused to extend the interim order only on the ground that no application for extension of the interim order was filed.

Materials have been produced by way of a supplementary affidavit to show that the extension application was affirmed on 12th October, 2026 and it has been submitted that for reasons beyond the control of the petitioner the same could not be filed on the selfsame date when the matter was taken up for hearing before the learned Tribunal. Considering the fact that the puja vacation of the Tribunal shall commence on and from 15th October, 2026 and the Tribunal shall reopen only on 27th October, 2026 this Court is inclined to pass an interim order for a limited period.

There shall be an order of stay of further demolition of the impugned structure till the end of the month of October, 2026 or until further orders whichever is earlier.

Parties are directed to appear before the learned Tribunal on October 28, 2026 for fixing a date for hearing of the interlocutory application as well as for hearing of the appeal being Appeal no. 27 of 2026.

The Tribunal is directed to consider the issue of extension of the interim order on October 28, 2026 or on any subsequent date but prior to October 31, 2026 after

affording an opportunity of hearing to the respective parties without being influenced by the fact that this Court has passed the interim order till the end of the month of October, 2026 or until further orders whichever is earlier.

The learned Tribunal is requested to fix an early date of hearing of the said application and dispose of the same as expeditiously as possible but preferably within a period of fortnight from October 28, 2026. The learned Tribunal shall also make an endeavour to dispose of the appeal as expeditiously as possible without granting any unnecessary adjournments to either of the parties considering the fact that the Public Interest Litigation is pending before the Hon'ble Division Bench and the next date is fixed on 08.12.2026.

With the aforesaid observations, C.O.3819 of 2026 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)