

19.10.2020
item No.34
Ct. No.24
Saswata

**WPA 7551 of 2020
With
IA no. CAN 1 of 2020
(via video conference)**

**Bikash Bhowmick
-vs-
The Kolkata Municipal Corporation & ors.**

Mr. Baidurya Ghosal
Ms. Baisali Ghoshal
... for the petitioner

Mr. Ranajit Chatterjee
... for the KMC

Mr. Kaushik Dey
... for the private respondent

The petitioner seeks a direction upon the Corporation authorities to withdraw the notice dated September 2, 2020.

The Corporation and the private respondent are represented.

It appears that there is a civil suit pending between the private parties. In such civil suit, an order of status quo with regard to nature and character of the building was passed. Subsequent thereto, the Corporation issued the impugned notice dated September 2, 2020 invoking provisions of Section 401 of the Kolkata Municipal Corporation Act, 1980.

The Corporation authorities were acting in terms of the order of a civil Court and were ensuring that the nature and character of the building is not altered pending the ad interim order of status quo and the civil suit. The action of the Corporation authorities cannot be faulted on such score.

In such circumstances, there is no infirmity in the action taken by the Corporation authorities. Interference by the writ Court is not called for.

This order will not prevent the private parties to canvas their respective points before the appropriate forum. Since the Court did not call for affidavits, the allegations made in the writ petition are deemed to be denied.

Writ petition being WPA 7551 of 2020 along with IA no. CAN 1 of 2020 are accordingly disposed of.

(Debangsu Basak, J.)