

OD-6

IA NO. GA/3/2021
In WPO/190/2018
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD SABIR
Vs
THE KOLKATA MUNICIPAL CORPORATION & ORS

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 21st April, 2021.

Appearance:
Mr. Aniruddha Mitra, Adv.

Mr. Alak Kr. Ghosh, Adv.
Mr. Arindam Paul, Adv.

Mr. Javed K. Somwarwala, Adv

The Court : This is an application for recalling of an order dated 9th February, 2020. The petitioner submits that he is making an innocuous prayer in terms of prayer (c) of the petition i.e. that the order dated 19th February, 2020 be clarified to the extent that this Court has not gone into the question of the merits of GA 1114 of 2019. The prayer is opposed by both the private respondents and the KMC.

In view of the factual disputes which arise for consideration, I am of the view that the grievances of the petitioner can only be considered after the filing of affidavits.

The respondents are directed to file their affidavits in opposition within three weeks from date. Reply, if any, one week thereafter.

List this matter on 9th June, 2021.

It is submitted by the KMC that the demolition proceedings assailed in the interlocutory application have already been disposed of by the KMC.

(RAVI KRISHAN KAPUR, J.)

SK.