

28.01.2021

Sl. No.5

Court No.3

BM.

**MAT 17 of 2021
With
IA No.:CAN/1/2021**

**M/s. Exclusive Homes Pvt. Ltd. & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Abirlal Chakravorti
Mr. Srijib Chakraborty
... for the petitioner
Mr. Subrata Goswami
... for the respondent nos. 4 & 5
Mr. Sadananda Ganguly
Ms. Usha Maiti
Mr. Debapratim Banerjee
...for the respondent no.15
Mr. Alope Ghosh
Mr. Arijit Dey
... for the K.M.C

An affidavit has been filed by the Heritage Commission before the learned trial court. Learned counsel representing the Commission made submission in Court.

It is now clear that according to the Heritage Commission 85% of the building in question stands demolished as on today and that according to the authority nothing remains of the property for it to be assessed of heritage status.

A recommendation is made by the commission that a part of the wall be retained and a plaque be installed in it to preserve the memory of Gurupada

Haldar. In our view such advisory role is not with the Commission.

It is enough that they say that fifteen per cent of the building as it stands now cannot be declared as heritage.

There appears to be a civil dispute between Mr. Ganguly's client and Mr. Karmakar's client with regard to existence and functioning of a trust and other related issues.

In our opinion nothing remains to be decided in the writ application.

The appeal MAT 17 of 2021 along with connected application IA No.: CAN 1 of 2021 and the writ application WPA 23530 of 2019 are disposed of by this order. The impugned order dated 7th January, 2021 is set aside.

We make it absolutely clear that apart from the issue regarding the heritage status of the building, we have not gone into any other issue. All other disputes between the parties and between them and Kolkata Municipal Corporation have not been dealt with by us.

(I. P. Mukerji, J.)

(Md. Nizamuddin, J.)