

Ct. 24
Item No.24
17.03.2021
(suvendu)

WPA 1182 OF 2021

**Kamrun Nisha
Vs.
The State of West Bengal & Ors.**

Mr. Sanjib Seth
.....for the petitioner

Mr. Sandipan Banerjee
Mr. Ankit Surekha
.....for the Municipality

Mr. Manoj Malhotra
Mr. Sudip Sarkar
Mr. K.P.Santra
.....for the State

The writ petition was filed by the petitioner alleging illegal and unauthorized construction in the holding No. 52 and 53, Nanda Ghose Road, Post Office – Howrah, Police Station – Golabari, District – Howrah. The allegation was made by the petitioner against the private respondents who happen to be brothers of the petitioner. Presently the petitioner does not intend to proceed with the writ petition any further. To that effect a written instruction on behalf of the petitioner addressed to her learned advocate was produced earlier before this Court. The Court was not satisfied with the signature of the petitioner appearing in the said instruction given by her to her learned advocate to withdraw the writ petition as the same did not tally with the signature of the petitioner

appearing in the Vakalatnama filed by her in the instant writ petition. Accordingly, the Court directed the writ petitioner to personally appear before this Court.

The said written instruction given by the petitioner to her learned advocate to withdraw the instant writ petition is already on record.

As per earlier order dated 10th March, 2021, the petitioner appears in person and submits that an internal arrangement has been made between her and the private respondents and accordingly she does not wish to proceed with the matter any further.

The initial allegation of the petitioner was of unauthorized construction. The learned advocate for the Corporation has submitted, upon instructions, that unauthorised construction exists in the said premises.

In view of the above, the prayer of the petitioner to withdraw the writ petition is allowed.

However, this will not stand in the way of the Howrah Municipal Corporation to take appropriate steps against the illegal and unauthorized construction in the aforesaid premises strictly in accordance with law.

The writ petition is dismissed as not pressed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)