

28.9.2021
Court No. 19
Item no.17
sn

WPA No. 6183 of 2021

Rabi Nath Jha Vs. The State of West Bengal &
Ors.

(via video conference)

Mr. Shatarup Purkayastha
Mr. Hamidur Rahaman
..for the petitioner
Mr. Rajarshi Basu
Mr. S.T.Mina
..for the State
Mr. Gopal Chandra Das
Mr. Sourav Chaudhuri
..for the KMC
Mr. Dilip Kr. Shyamal
Mr. G. Ghosh
..for the respondent no.7

The cause of action in the writ petition does not survive as action had already been taken by the Kolkata Municipal Corporation.

It appears that an order has been passed by the Special Officer (Building), Kolkata Municipal Corporation directing demolition. It is submitted by Mr. Das that the demolition has not been effected because of pending procedural formalities to be carried out.

It is submitted by the respondent no.7 that the respondent no.7 has already preferred an appeal against the demolition order. Thus, nothing remains to be decided in the writ petition. The respondent no.7 shall hand over the number of the appeal to the

learned advocate for the petitioner as also Mr. Das for further action.

The report filed by the Kolkata Municipal Corporation is taken on record.

The ultimate implementation of the order of the Special Officer (Building), Kolkata Municipal Corporation shall be subject to any order that may be passed by the appellate Tribunal.

The contention of the petitioner that in case there is no stay in the appeal, the Corporation may proceed with the demolition, is kept open for a decision of the appellate Tribunal and consequent action by the corporation on the basis thereof.

This writ petition is disposed of.

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

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)