

26.11.2021
Item No.27.
Court No.6.
AB

Through Video Conference

M.A.T. No. 869 of 2021

With

I A CAN 1 of 2021

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Satinath Karmakar

Vs

The Kolkata Municipal Corporation & Others

Mr. S. K. Pathak ...for the Appellant.

Mr. Ranajit Chatterjee,
Mr. S. Panda ...for the K.M.C.

This appeal is directed against an order dated August 17, 2021, whereby the learned Single Judge dismissed WPA No.12828 of 2021.

The writ petitioner/appellant had approached the Writ Court challenging a demolition notice. The learned Judge observed that the complainant had not been made a party to the writ petition. This amounted to non-joinder of a necessary party. Further, a Division Bench in an earlier proceeding had upheld and affirmed the demolition order. Hence, the learned Judge recorded her inability to interfere in the matter.

We see no infirmity in the order impugned. We have seen that there is a demolition order and an earlier Division Bench upheld such order upon holding that the unauthorized construction in question was

made without any sanctioned plan at all. In view of such finding of a Coordinate Bench, we are unable to grant any relief to the appellant.

The appellant says that an application has been made before the competent authority for regularisation of the unauthorized construction. We make no observation in that regard. Nothing in this order shall have any bearing on such application, which shall be decided by the authority in accordance with the applicable Rules.

The appeal being MAT 869 of 2021 and the connected application I A CAN 1 of 2021 are, accordingly, dismissed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)