

ORDER SHEET

WPO/164/2020

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE**

SULTAN KHICHI

VS

THE KOLKATA MUNICIPAL CORPORATION AND ORS .

BEFORE :

The Hon'ble JUSTICE AMRITA SINHA

Date: 19th February, 2021 .

Appearance:
Mr. Sanjoy Bose, Adv.
Mr. Priyankar Basu Mallick, Adv.
..for Petitioner.

Mr. Alok Kr. Ghosh, Adv.
Mr. Dilip Kumar Chatterjee, Adv.
..for KMC.

The Court:- The writ petition was filed alleging illegal and unauthorized construction being carried on in the premises no.66A, Maulana Shawket Ali Sarani, Ward No. 44, Borough-V, Kolkata-700 073.

The learned advocate for the petitioner submits that on receipt of the objection from his client, the Kolkata Municipal Corporation initiated a proceeding in accordance with law and an order under Section 400(1) read with Kolkata Municipal Corporation (Regularisation of Building) Regulation 2015 and an order was passed on 30th August, 2019 whereby direction has been passed for demolishing the 6th and 7th floors of the building within 30 days of receipt of the order and the constructions on the void portion of the 5th floor was held to be minor unauthorized erection or work as defined in Rule 3(1)(C) of the Kolkata Municipal Corporation (Regularisation of Building) Regulation 2015 and the unauthorized constructions have been regularized and retained.

In view of the above, the grievance of the petitioner appears to have been redressed by the respondent authority. The writ petition filed by the petitioner becomes infructuous and is, accordingly, dismissed.

The order dated 30th August, 2019 passed by the Special Officer (Building) Kolkata Municipal Corporation, and the communication of the same to the petitioner by letter dated 5th February, 2021 written by the Assistant Engineer (Civil), Building Department are retained with the records.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)

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