

17.03.2022
Court No. 19
Item no.34
CP

W.P.A. No. 761 of 2022

Md. Kutubuddin
Vs.
The State of West Bengal & Ors.

Mr. Dipankar Pal
Ms. Ankita Dey
...for the Petitioner.

Mr. Dilip Kr. Chatterjee
Ms. Manisha Nath
...for the K.M.C.

Mr. Syed Nasim Aejaal
Mr. Syed Md. Ali
....for the respondent nos. 8,9 & 10.

Mr. Rama Prasad Sarkar
Mr. Bellal Shaikh
....for the State respondents.

The report filed by the police authorities is taken on record.

The petitioner has alleged that the respondent nos. 8 to 10 have raised some constructions without a sanction plan at premises No. 30/30, Radha Madhab Dutta Garden Lane, Joramandir, P.S.-Beliaghata, Ward No. 33, Kolkata. The petitioner submits that despite complaints having been filed before the Kolkata Municipal Corporation (hereinafter referred to as 'the corporation'), no steps have been taken by the authorities.

Learned advocate, appearing on behalf of the respondent nos. 8 to 10, submits that the corporation had already initiated a demolition proceeding, passed an order in respect of the said construction and also issued a notice under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980.

It is further submitted that being aggrieved by the aforementioned order of demolition, the respondent nos. 8 to 10 have preferred an appeal before the Building Tribunal vide B.T.A. No. 53/21, which is pending.

The corporation also has submitted a report in this behalf. The same is taken on record. The order of the tribunal has also been filed before this court.

Hence, nothing further remains to be decided in this proceeding. The construction will abide by the decision of the appellate tribunal. The grievance of the petitioner had been taken care of by the Corporation

The writ petition is disposed of without any order. There shall be no order as to costs.

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

(Shampa Sarkar, J.)