

W.P.A. 5506 of 2014

Swami Santadas Institute of Culture & Ors.

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Bratin Kumar Dey

...for the Petitioners

Mr. Alak Kr. Ghosh

Mr. Swapan Debnath

....for the KMC

The writ petition is taken up for consideration pursuant to the order dated 27th September, 2022 in presence of Mr. Bratin Kumar Dey, learned advocate representing the petitioners.

Mr. Alak Kumar Ghosh, learned advocate appears for the Kolkata Municipal Corporation. However, no one is representing the private respondents today.

On perusal of the prayer couched in the writ petition it appears that chiefly petitioners have prayed for protection against demolition work which was contemplated to be carried out by the concerned authority of Kolkata Municipal Corporation on conclusion of demolition proceeding as well as prayer was made for supply of d-sketch plan by the Kolkata Municipal Corporation to the petitioners.

This Court has already delivered judgement on disposal of another writ petition being WPA 5763 of 2016 on 20th July, 2022 wherein the order of the Appellate

Authority dated 25th February, 2016 was put under challenge.

It has also been submitted by Mr. Dey, learned advocate appearing for the petitioners that said order of the Appellate Authority was passed in connection with the same demolition proceeding which was initiated against the petitioners in the present writ petition and the present writ petition was instituted questioning the demolition proceeding prior to the order issued by the Appellate Authority on 25th February, 2016.

After order of the Appellate Authority passed on 25th February, 2016 petitioners filed another writ application being WPA 5763 of 2016 which was dismissed by this Court vide a judgement dated 20th July, 2022.

Mr. Dey has further submitted that an intra Court appeal being MAT 1166 of 2022 has been preferred by assailing the said judgement dated 20th July, 2022 and it has also been submitted that an order of stay has been granted by the Hon'ble Division Bench.

The points raised in the present writ petition are identical to the points, which were in issue in the writ petition being WPA 5763 of 2016.

In view of the order passed by this Court in WPA 5763 of 2016 nothing remains to be decided in the present writ petition being WPA 5506 of 2014.

Accordingly, the writ petition being WPA 5506 of 2014 stands dismissed.

The judgement delivered by this Court dated 20th July, 2022 shall be retained with the record of the present writ petition.

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

(Saugata Bhattacharyya, J.)