

05
21.11.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17883 of 2022

**Somnath Das
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Saptangsu Basu,
Mr. Sudip Das.
...For the Petitioner.**

**Mr. Arun Kumar Roy,
Mr. Arun Kumar Saha.
...For the State.**

**Mr. Biswajit Mukherjee,
Mr. Swapan Kumar Debnath.
...For KMC.**

Learned senior advocate appearing for the petitioner fairly submits before this Court that an earlier writ petition being W.P. 6777 (W) of 2008 was filed by the petitioner praying for relief in terms of the Memorandum being No.3592/Fish/C-II2M-51/09 dated 14th October, 2011 allegedly published by the Fisheries Department, Government of West Bengal.

Necessary order was passed in the said writ petition on 18th February, 2013. One of the petitioners in W.P. 6777 (W) of 2008 preferred an appeal against the said order.

The appeal being MAT 478 of 2014 with CAN 3019 of 2014 (M/s. Sreemayee Construction Pvt. Ltd. & Ors. -vs- Kolkata Municipal Corporation & Ors.) is

claimed to be pending consideration before the Hon'ble Division Bench till date.

Leave has been sought for to proceed with the pending appeal.

On a perusal of the instruction provided by the Deputy Secretary to the Government of West Bengal, Fisheries Department dated 29th September, 2022 mentioning that the document relied upon by the petitioner dated 14th October, 2011 is a fake one and not issued from the department, the Court directed the petitioner to present personally in Court. In compliance of the said direction, the petitioner is personally present in Court. Personal appearance of the petitioner, Mr. Somnath Das stands dispensed with.

As it appears that the issue is pending consideration before the Hon'ble Division Bench, accordingly, the present writ petition cannot be entertained by this Court.

The writ petition stands dismissed.

It will be open for the petitioner to approach the Hon'ble Division Bench for relief, if so advised.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)