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Ct No 2023
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AGM

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

**RVW 242 of 2022
With
CAN 1 of 2022
With
CAN 2 of 2023
in
WPA 18473 of 2022**

**The Benrec Club & Ors.
Vs
Indrajit Chakraborty & Ors.**

Mr. Abhishek Dutt
Ms. Rupa Singh

... For the Petitioners.

Mr. Debjit Mukherjee
Ms. D. Ganguly

... for the KMC.

Mr. Indranil Nandi
Mr. Sayak Konar

... for the respondent no. 1.

CAN 2 of 2023 has been filed by the petitioners, inter alia, for appointment of Special Officer to visit the locale and filed a report before this Court to ascertain whether the Benrec Club was carrying on illegal and unauthorised construction in a portion of premises no. 47D, Moore Avenue, Kolkata –40.

A petition for review being RVW 242 of 2022 has been filed by the Benrec Club seeking review of the direction passed by this Court on 30th September, 2022 in WPA 18473 of 2022 (Indrajit Chakraborty –Vs- KMC & Ors).

A report has been filed by the Sub Assistant Engineer (Civil) Building, Assistant Engineer (Civil)

Building, Borough X, KMC mentioning that the department visited the premises no. 47D, Moore Avenue and found that one storied building (Benrec Club) stood at the site. The club members failed to produce any sanction plan in support of the said construction.

The department issued a notice under Section 401 of the KMC Act, 1980 on 6th September, 2022 with intimation to Regent Park Police Station. The matter was thereafter heard by the Special Officer (Building) under Section 400 (1) of the KMC Act, 1980 on 21st March, 2023 upon service of prior notice of both the parties. The final order, however, is yet to be passed by the Special Officer.

It appears from the report filed by the engineers of the Corporation that the structure in question is an unauthorised one constructed without a valid sanction plan. The said structure ought not to be used in such a manner so that it becomes difficult to implement the order of demolition, if passed by the Special Officer.

Submission has been made that an idol has been placed inside the said structure by demolishing a portion of the wall. As the structure in question appears to be an unauthorised one, accordingly, the Officer-in-charge, Regent Part Station is directed to ensure that no religious ritual is conducted in the said unauthorised structure.

Learned advocate for the review applicant does not press the application for review.

Accordingly, the review application stands dismissed. The connected application being CAN 1 of 2022 also stands dismissed and CAN 2 of 2023 stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)