

39 27.09.2022
rkd Ct.15

W.P.A. 20192 of 2017

Faizal Ali Mullick

-vs-

The Kolkata Municipal Corporation & Ors.

Md. Farhaduddin

....for the petitioner.

Mr. Alak Kumar Ghosh,

Ms. Era Ghosh

....for the State.

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and the Kolkata Municipal Corporation being the principal respondents.

The grievance of the petitioner is that till date no stall has been allotted after construction of building named Varna Parichay by the Kolkata Municipal Corporation. According to the petitioner right emanates in favour of the petitioner pursuant to deed of assignment executed on 5th May, 2004.

From the submission made on behalf of the petitioner, it appears that petitioner is apprehending allotment of stall at the back side of the said building and if such stall is allotted the business of the petitioner will severely affected. Petitioner in effect prays for allotment of stall at the front side of the said building which would facilitate his business.

Kolkata Municipal Corporation is represented by learned advocates.

Since the stall as it has been submitted by the learned advocate represented the petitioner, has not been allotted in favour of the petitioner till date it appears that the writ petition is premature and due to non-allotment of stall in favour of the petitioner cause of action has not arisen.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

However, this order shall not preclude the petitioner to take steps in accordance with law, if allotment of stall is found to be contrary to his right.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)