

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 2719 of 2021

**Arup Rakshit @ Raju Rakshit
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Mr. Anand Keshari, Adv.
Mr. Joy Shankar Mukherjee, Adv.
Mr. Sekhar Mukherjee, Adv.**

**For the K.M.C. : Mr. Goutam Dinda, Adv.
Mr. Anindya Sundar Chatterjee, Adv.**

For the State : Sreyashee Biswas, Adv.

Heard on : 05.08.2022

Judgment On : 05.08.2022.

Bibek Chaudhuri, J.

Vide an order dated 3rd August, 2022, this Court directed the learned Advocate for the Kolkata Municipal Corporation to submit a report as to the ownership of premises No.5/23 Bijoy Garh where illegal construction has been allegedly going on and a case under Section 401A was registered against the petitioner.

Today the learned Advocate for the Kolkata Municipal Corporation has submitted a compilation regarding the record of premises No.5/23 Bijoy Garh. It is submitted by the learned Advocate on behalf of the Kolkata Municipal Corporation that after the order dated 3rd August, 2022 having been passed, the concerned department of Kolkata Municipal Corporation examined the record and also inspected the place of occurrence. They found that illegal construction is being carried on at premises No.5/23A Bijoy Garh. Therefore, it is ascertained from the report of the Kolkata Municipal Corporation that no illegal construction is going on at premises No.5/23 Bijoy Garh and the petitioner cannot be held liable to face a charge under Section 401A of the Kolkata Municipal Corporation Act on the allegation of illegal construction over plot No.5/23 Bijoy Garh.

In view of such circumstances, all pending proceedings in Criminal Miscellaneous Case No.1741 of 2017 and M.F. Case No.384 of 2017 arising out of Netaji Nagar Police Station Case No.234 of 2017 against the petitioner be quashed.

This order, however, will not prevent the Kolkata Municipal Corporation Authority to take appropriate action in respect of illegal construction, if any, allegedly carried out at premises No.5/23A, Bijay Garh.

The instant revision, is, thus, **disposed of.**

Personal appearance of the Executive Engineer, Borough-X,
Kolkata Municipality Corporation be dispensed with.

Case Diary be retained.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.10.
M/L.***