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09.11.2022
d.p.

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

W.P.A 22804 of 2022

**Md Anis
-versus
The State of West Bengal & Ors.**

**Mr. Supratik Basu,
Mr. Shuvam Shaw.
...For the Petitioner.**

**Mr. Pinaki Dhole,
Ms. Ananya Neogi.
...For the State.**

**Ms. Sima Chakraborty,
Ms. Debangana Dey Nayak.
...For KMC.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner prays for a direction upon the Kolkata Municipal Corporation to permit him to plaster and whitewash the structure standing at premises no. 17/1 & B/16B/H/4, B.T. Road, Ward No.-006, Borough – I, Kolkata-700002.

It appears from records that the petitioner is already facing an order of demolition and notice under Sections 544 and 546 of the Kolkata Municipal Corporation Act, 1980 has been issued on 1st September, 2022.

The petitioner submits that an appeal being B.T. Appeal No. 168 of 2022 is pending consideration before the Municipal Building Tribunal.

It has been submitted that part demolition of the impugned structure has already been made.

The notice issued under Sections 544 and 546 of the Act clearly mentions that the entire two storied RCC framed structure has been constructed without taking permission from the Corporation.

The order of demolition is under scrutiny before the Learned Tribunal.

It will be open for the petitioner to make appropriate prayer in the pending appeal.

No relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)