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09.11.2022
d.p.

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

W.P.A 22813 of 2022

**Sikha Bhowmick
-versus
The State of West Bengal & Ors.**

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

**Ms. Piyali Sengupta.
...For the State.**

**Mr. Dilip Kumar Chatterjee,
Mr. D.Chakraborty.
...For KMC.**

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

The petitioner is aggrieved by the order of demolition passed by the Kolkata Municipal Corporation and has preferred an appeal before the Municipal Building Tribunal, Kolkata Municipal Corporation being B.T. Appeal No. 154 of 2022.

It appears that the stay petition filed in connection with the appeal has been dismissed by the Tribunal by an order dated 8th September, 2022.

The petitioner has already preferred a Civil Revision Application before this Court challenging the order dated 8th September, 2022 in C.O. 2917 of 2022.

The Court by order dated 23rd September, 2022 directed the petitioner to serve the copy of the Civil Revision Application upon the opposite parties. Liberty was granted to the petitioner to mention the matter after Puja vacation.

The petitioner filed the present writ petition on 28th September, 2022 praying for relief as already prayed in the Civil Revision Application.

The petitioner prays for stay of operation of the order passed by the Municipal Building Tribunal.

Learned advocate appearing for the Kolkata Municipal Corporation opposes the prayer of the petitioner and submits that the writ petition is liable to be dismissed as the issue in question is already pending adjudication in the Civil Revision Application.

It appears from the submissions made on behalf of both the parties and upon perusal of the materials on record that the writ petition is an absolute misconceived one.

The order of the Tribunal is already under challenge in the Civil Revision Application and the same relief could not have been sought for by filing subsequent writ petition before this Court.

In view of the above, 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.)