

19 **23.12.
2022**
Ct. No. 04

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

Ab

WPLRT 157 of 2022

Ashima Khatoon
Vs.
State of West Bengal and others.

Mr. Giasul Islam.
... for the petitioner.

Mr. Subhendu Roy Choudhury,
Ms. Chaitali Bhattacharya.
... for the State.

Mr. Alok Kumar Ghosh,
Mr. Gopal Chandra Das.
... for the KMC.

Though the first prayer in the instant writ petition relates to a relief in the form of a direction upon the Corporation to demolish the structure at premises no. 13/H/23, Braunfield Row, Kolkata – 700027, but we find that such relief cannot be granted, as an approach is directly made to the High Court in relation to a proceeding pending before the Tribunal.

An order of status quo was passed as far back as on 13th February 2014 operative till 13th August 2014. According to the writ petitioner, on the said date, an application for extension of the interim order was taken out by the other side and the writ petitioner also filed an application for vacation of the interim order.

As per the Counsel for the writ petitioner, both the applications are pending, but there is no express order passed by the Tribunal extending the said interim order beyond the said date. The logical effect of the same appears that there is no subsisting interim order and, therefore, the writ petitioner shall not be permitted to

jump the forum and seek a relief, which has not been sought before the Tribunal.

We find that the Tribunal has fixed the aforesaid applications being MA 283 of 2017 and MA 111 of 2018 on 27th April 2023. We expect and hope that the aforesaid applications shall be taken up on the said date and endeavour shall be shown to dispose of the same as expeditiously as possible.

However, liberty is granted to the writ petitioner to seek the relief as claimed in the first prayer of the instant writ petition if so advised by approaching the Tribunal and if such approach is made, the Tribunal will consider the same and efforts should be made to dispose of the same on priority basis.

With these observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)