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02.05.2022
S.D.

W.P.A. 7600 of 2020

**Rashida Khatoon
Vs.
The State of West Bengal & Ors.**

Mr. Ujjal Sarkar
Mr. Azmat Ara

..For the petitioner.

Mr. Alok Kumar Ghosh
Mr. Dwijadhar Chakraborty

..For the KMC.

Affidavit of service filed in Court be taken on record.

It appears that the respondent nos. 8 and 9 could not be served and the postal articles have come back with the endorsement 'left'.

The writ petition is disposed of in the absence of the said respondents as this Court is not inclined to pass any mandatory directions as prayed for in the writ petition. The Kolkata Municipal Corporation has filed a report prepared by Executive Engineer (B0/Br-VI dated November 13, 2020).

It appears that the allegations of the petitioner were considered by the authority and an inspection of Premises No. 43A Gardener Lane had been conducted by the Corporation. The Corporation found that the construction more or less tallied with the sanctioned plan and with regard to the minor deviations,

Rules 26 (2a) and (2b) of the Kolkata Municipal Corporations Building Rules, 2009 had been invoked and deviations were regularized by an order dated November 1, 2018.

Under such circumstances, this Court is not in a position to pass any order of demolition against the alleged constructions.

The petitioner is at liberty to approach the KMC for copy of the inspection report as also the order of regularization so that steps may be taken by the petitioner in accordance with the law. If an application is made by the petitioner as directed hereinabove, the Corporation shall supply the documents to the petitioner within a period of two months from the date of filing of the application.

The report of the KMC is taken on record.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)