

OD-3

ORDER SHEET
WPO/449/2017
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MESSERS DIVJOT REALTIES PVT LTD & ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 02ND SEPTEMBER, 2022.

Appearance :
Mr. R. N. Chakraborty, Adv.
For the petitioner

Mr. Barin Banerjee, Adv.
Mr. F. Haque, Adv.
For KMC

The Court : The writ petitioners have assailed the impugned interim order passed by Joint Municipal Commissioner (General) of the Kolkata Municipal Corporation, **Annexure-P7** to the writ petition. Subsequently, the final order was passed dated November 10, 2017 under which the sanction plan was cancelled in exercise of power under Section 397 of the Kolkata Municipal Corporation Act, 1980. The said final order dated November 10, 2017 had been disclosed by the Kolkata Municipal Corporation as **Annexure-R8** to its affidavit-in-opposition affirmed on December 19, 2017.

The law is well-settled that the interim order merges with the final order. Accordingly, there is no further scope for any adjudication in this writ petition as the final order had been passed on November 10, 2017 and resultantly, the impugned interim order which was challenged through this writ petition had lost its force and merged into the said final order. To challenge the said final order dated November 10, 2017, it requires to establish a fresh cause of action, beyond the scope of this writ petition.

In view of the above, this writ petition being **WPO No.449 of 2017** stands disposed of without any order as to costs.

However, the petitioners shall be at liberty to take steps to challenge the said final order dated November 10, 2017 being **Annexure-R8** to the affidavit-in-opposition filed by the KMC Authority in accordance with law, if the petitioners are entitled to do so in law.

(ANIRUDDHA ROY, J.)

A.Dey