

Item No.8

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

05.12.2023
Ct-24

WPA 6769 of 2023
Goutam Chatterjee

v.

The Commissioner, HMC & Ors.

Mr. Shankar Ranjan Sen
... for the petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder
... for HMC.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
... for the Bally Municipality.

Learned advocate representing the petitioner submits, upon instruction that, the dispute between the parties have been settled and, accordingly, the petitioner does not intend to proceed with the writ petition any further.

It appears from the averments made in the writ petition that the allegation of the petitioner was of unauthorized construction at premises no. 59/1, Ram Lochan Shire Street, P.O.-Belurmah, P.S.-Bally within the jurisdiction of the Bally Municipality.

The Court is of the opinion that the issue of unauthorized construction cannot be settled in between the parties. The municipal authority is duty bound to ensure that the construction is made in accordance with the building rules.

As the petitioner has expressed his intention not to proceed with the writ petition, accordingly, the same stands dismissed as 'withdrawn'.

Dismissal of the writ petition will not stand in the way of the Bally Municipality to take steps against any unauthorized construction, if detected, at the subject premises.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)