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Ct
No24
AGM

16.05
2023

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

WPA 8699 of 2022

**Kali Sankar Roy
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Sanjay Mukherjee ... for the Petitioner.

**Mr. Debasish Kundu
Mr. Souma Subhra Roy
... for the respondent nos. 5 and 6.**

The petitioner complains of illegal and unauthorised construction at premises no. 109, Sagar Manna Road (P-115, Sagar Manna Road), P.O. Parnashree 700060 under Ward No. 132, Borough-XIV of the Kolkata Municipal Corporation.

Learned advocate representing the petitioner as well as private respondents admits that the Special Officer (Building) has passed an order on 15th February, 2023 wherein interim order has been passed for demolition of the unauthorised portions.

Learned advocate for the petitioner submits that as unauthorised construction has been directed to be demolished, accordingly, necessary order be passed for implementing the order passed by the Special Officer (Building).

I am afraid that the prayer of the petitioner for implementation of the order of the Special Officer cannot be entertained in the present writ petition.

The cause of action at the time of filing of the writ petition and the cause of action on account of passing the order of demolition by the Special Officer (Building) being different, the prayers made in the writ petition cannot be entertained at this stage.

The writ petition stands disposed of.

Affidavit-of-service filed today in Court be kept with the records.

Copy of the order passed by the Special Officer (Building) be kept with the records.

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

It will be open for the petitioner to seek implementation of the order passed by the Special Officer (Building) in accordance with law, if so advised.

(Amrita Sinha, J.)