

02
13.09.2023
A.G.M.

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

W.P.A 10500 of 2023

**Sirajuddin Molla
-versus
The Kolkata Municipal Corporation & Ors.**

**Md. Mosiar Rahaman
Ms. Shaswati Kayal
Mr. Haridas Das
...For the Petitioner.**

**Mr. Anand Farmania
Ms. Indumouli Banerjee
... for the State.**

The petitioner filed the present writ petition in April 2023 challenging the illegal and unauthorised construction made at the behest of the private respondents at premises no. S-74/5, S.A.Farooque Road (Akra Road), P.S. Metiabruz, Ward No. 138, Kolkata-700018 under the jurisdiction of the Kolkata Municipal Corporation.

Learned advocate appearing for the petitioner produces a written communication made by the petitioner on 8th September, 2023 wherein it has been mentioned that the petitioner intends to withdraw the above case.

Learned advocate for the petitioner submits that the issue has been amicably settled in between the parties.

The Court is of the opinion that the issue of unauthorised construction cannot be amicably settled between the private parties. It is for the respondent authority to decide as to whether illegal construction exists or not.

Filing the writ petition and thereafter withdrawing the same raises doubt with regard to the bona fide of the petitioner in filing the writ petition.

As the petitioner has expressed his desire not to proceed with the writ petition any further, accordingly, the writ petition stands dismissed as 'not pressed'.

Dismissal of the writ petition will not stand in the way of the Kolkata Municipal Corporation to take steps to deal with the unauthorised construction at the subject premises in accordance with law.

The written communication of the petitioner dated 8th September, 2023 be retained with the records.

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

(Amrita Sinha, J.)