

03. 03.04.2023
bd. Ct.15

W.P.A. 10926 of 2018

M/s. Kabita Construction & Ors.

-vs-

The Kolkata Municipal Corporation & Ors.

Mr. Manik Lal Poddar

... for the respondent
nos. 6,7 & 8

Mr. Jaharlal De

Mr. Shamim-Ul- Bari

... for the State.

Mr. Monojit Pal

... for the KMC

Pursuant to the order dated 17th March, 2023 the writ petition is taken up for final consideration in presence of the learned advocates representing the added respondent nos. 6,7 and 8, Kolkata Municipal Corporation and the State respondents. However, no one is representing the petitioners.

It appears from the submissions made by the respective parties that on the basis of general power of attorney dated 6th December, 2008 this writ petition was filed by the petitioners claiming permission from the KMC to demolish the dilapidated building situated at 2/7A, Bonomali Sarkar Street, Kolkata- 700005. During pendency of the writ petition added respondent nos. 6, 7 and 8 took out an application for impleadment being CAN 1 of 2019 being co-owners of the said building and the said application was allowed vide order dated 17th March, 2023 directing the department to amend the cause title of the writ petition and

implead the applicants as added respondents. Accordingly, department has impleaded the names of the three applicants as respondent nos. 6,7 and 8 in the cause title. Today during course of hearing it has been brought to the notice of this Court that vide decree dated 6th June, 2016 passed on Title Suit No. 106 of 2013 the development agreement and general power of attorney both dated 6th December, 2008 were cancelled with effect from 21st May, 2012.

According to the added respondents as well as the KMC and State respondents after cancellation of the general power of attorney dated 6th December, 2008 and the development agreement also dated 6th December, 2008 the present writ petition at the instance of the petitioners is not maintainable.

No one appears for the petitioners.

Considering the submissions made on behalf of parties present today and also taking note of the decree dated 6th June, 2016 it appears indisputably the general power of attorney and development agreement both dated 6th December, 2008 stood cancelled with effect from 21st May, 2012.

In view of such cancellation of general power of attorney and development agreement the writ petition at the instance of the petitioners is not maintainable.

Accordingly, the writ petition stands

dismissed. Interim order if any, stands vacated.
However, there shall be no order as to costs.

Urgent photostat certified copy of the order,
if applied for, be given to the parties, upon usual
undertakings.

(Saugata Bhattacharyya, J.)