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02.05.2023
d.p.

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

W.P.A 21093 of 2022

**Md. Iqbal Mallick Sonu
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Subir Banerjee,
Mr. Tanweer Ahmed Khan.
...For the Petitioner.**

**Mr. Himadri Sikhar Chakraborty.
...For the State.**

**Mr. Gurudas Mitra,
Ms. Piyali Sengupta.
...For KMC.**

Learned advocate appearing for the petitioner submits that oral instruction has been received from the petitioner praying for withdrawal of the writ petition.

On a perusal of the averments and the prayer, it appears that the petitioner is aggrieved by the inaction on the part of the Kolkata Municipal Corporation in taking steps against the unauthorized construction at premises no. 39A, Nilmoni Halder Lane, P.S.-New Market under Ward No. 46, Borough-VI of the Kolkata Municipal Corporation.

From the report filed by the engineers of the Kolkata Municipal Corporation signed on 19th

September, 2022, it appears that departmental inspection revealed unauthorized construction in the form of deviation from the sanctioned plan.

Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been issued with intimation to the police station and proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 is continuing.

As the petitioner has prayed for withdrawal of the writ petition, accordingly, the writ petition stands dismissed as 'withdrawn'.

Dismissal of the writ petition will, however, not stand in the way of the Kolkata Municipal Corporation to conclude the proceeding initiated under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

Report filed by the New Market Police Station 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.)