

04
14.03.2023
d.p.

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

W.P.A 22814 of 2022

**Srabanti Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Supratik Basu.
...For the Petitioner.**

**Mr. Santanu Kumar Mitra,
Mr. Sandip Sarkar.
...For the State.**

**Mr. Gopal Chandra Das,
Ms. Dipanwita Ganguly.
...For KMC.**

Affidavit-of-service filed in Court today is taken on record.

Premises No. 15R, Paikpara Raja Manindra Road, Ward No.-4, Borough-I, Kolkata-700030 is suffering an order of demolition passed by the Executive Engineer (Civil)/Building, Borough-I dated 25th August, 2022.

Being aggrieved by the said order of demolition, the petitioner has approached the appellate forum by filing appeal being BT No. 167 of 2022.

The petitioner filed the present writ petition praying for issuance of a writ of mandamus, inter alia, commanding the respondents not to issue any

demolition order and to forthwith withdraw the demolition order before disposal of the statutory appeal.

The petitioner also prays for a direction upon the respondent authority not to implement the order of demolition.

The prayers made in the writ petition appear to be completely misconceived. The order of demolition has already been passed by the concerned authority and, accordingly, at this stage there is no scope to restrain the authority from passing or withdrawing the said order.

The appeal preferred by the petitioner is pending consideration before the appellate forum.

If the petitioner is aggrieved by any subsequent act on the part of the Corporation, it is for the petitioner to approach the appropriate forum where the appeal is pending and not file writ petition seeking remedy.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition, accordingly, fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)