

02
04.12.2023
A.G.M.

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

W.P.A 22490 of 2023

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

**Ms. Anindita Auddy (Das)
...For the Petitioner.**

**Mr. Subhrangsu Panda
...For KMC.**

**Mr. Debabrata Banerjee
Mr. Subhajit Chaudhury
... For the State.**

The present writ petition was filed alleging illegal and unauthorised construction at the behest of the private respondent over 16/1/H/36, Biplabi Barin Ghosh Sarani, Police Station- Maniktala, under the jurisdiction of Kolkata Municipal Corporation.

The writ petition was filed on 15th September, 2023 and by the time the matter was taken up for consideration by the Court, the writ petitioner and the private respondent appears to have entered into a settlement relying upon which the petitioner presently does not intend to proceed with the writ petition any further.

It has been submitted by the learned advocate for the Kolkata Municipal Corporation that the engineers have given oral instruction that unauthorised construction has been taken at the subject premises.

The fact of unauthorised construction cannot be settled inter se the parties. It is the duty of the concerned municipal authority to ensure that the construction is being made in accordance with the provisions of law.

As the petitioner has expressed his unwillingness to proceed with the writ petition, 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 against any unauthorised construction at the subject premises, if detected.

Instruction forwarded by the petitioner to the learned advocate be retained with the record.

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

(Amrita Sinha, J.)