

12.06.2023
Item No. 43
Court No. 24
AGM

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

WPA 24860 of 2022

**Md. Nawab
Vs
The Kolkata Municipal Corporation & Ors.**

**Mr. Tarak Nath Halder,
Mr. Anushika Bharati ... for the Petitioner.**

**Mr. Dyutiman Banerjee
Mr. Sourat Nandy,
 ... For the respondent 8.**

The petitioner complains of illegal and unauthorised construction at 14/H/1, Chamru Singh Lane, P.S. Narkeldanga, Kolkata- 700011 under the Kolkata Municipal Corporation.

Learned advocate representing the private respondent no. 8 denies the allegation of unauthorised construction.

On a perusal of the documents annexed to the writ petition, it appears that the petitioner is yet to file an objection before the concerned authority of the KMC alleging unauthorized construction. In the absence of any representation of the petitioner, the instant writ petition will not be maintainable.

As it prima facie appears that the writ petition will not be maintainable on account of non filing of the objection before the KMC, accordingly, the relief claimed for by the petitioner cannot be allowed.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)