

06
24.03.2023
d.p.

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

W.P.A 26162 of 2022

**Tapan Chowdhury
-versus
Bidhan Nagar Municipal Corporation & Ors.**

**Mr. Raghunath Chakraborty,
Mr. Saikat Thakurata,
Mr. Subhendu Das.
...For the Petitioner.**

**Mr. Sirsanya Bandyopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kumar Nag.
...For BMC.**

In the present writ petition, the petitioner prayed for demolition of the unauthorized construction of the additional 5th floor at AC 30/1, Prafulla Kanan (East), P.O. Prafulla Kanan, Kolkata-700101 within the jurisdiction of the Bidhan Nagar Municipal Corporation.

The petitioner has instructed his learned advocate-on-record that he does not want to continue with the writ petition any further due to personal inconvenience.

It appears that an earlier writ petition being WPA 20273 of 2022 on the selfsame cause of action was filed by the petitioner and the same was withdrawn with leave to file afresh.

It appears that the petitioner is approaching the Court on repeated occasion on the selfsame cause of action but for reasons best known to him is withdrawing the same.

The jurisdiction of the Court ought not to be invoked in such a manner.

As there is already an allegation of unauthorized construction in respect of the premises mentioned hereinabove, accordingly, the Bidhan Nagar Municipal Corporation is directed to take steps to enquire the matter and if it appears that indeed there is any unauthorized construction, then take necessary steps to deal with the same in accordance with law.

The writ petition stands dismissed as 'withdrawn' on the prayer made by the petitioner.

The communication of the petitioner signed on 13th March, 2023 addressed to his advocate-on-record 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.)