

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

W.P.A. 26856 of 2022

**Maswood Ahmed & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Arijit Dey.
...For the Petitioner.**

**Mr. Dilip Chatterjee.
Mr. Mihir Kundu.
...For the KMC.**

The order impugned in the present writ petition dated 7th November, 2022 passed by the Executive Engineer (C), Building Department, Borough IX, Kolkata Municipal Corporation under Section 400 (1) of the KMC Act, 1980 in D/case no. 38-D/IX/22-23 is an appealable one.

The writ petition was filed on 8th December, 2022.

Without entering into the merits of the writ petition the petitioner is relegated to the appellate forum to agitate all points as taken in the present writ petition.

The appellate forum is directed to register the appeal to be filed by the petitioner without insisting upon the certified copy of the impugned order dated 17th November, 2022 provided the appeal is filed by 3rd March, 2023.

The petitioner shall be obliged to apply for the certified copy of the impugned order immediately and file the same before the learned Tribunal as soon as the same is made available.

The appellate forum shall decide the appeal on merits.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)