

75.
14.03.2023
S.D.

W.P.A. 27785 of 2022

Manash Mukherjee & Ors.
Vs.
State of West Bengal & Ors.

Mr. Sridhar Chandra Bagari
Mr. Ramasish Mukherjee
Mr. Sk. Nezauddin

... For the Petitioners.

Mr. Malay Krishna De
Mr. Arunava Maiti

...For the State

Mr. Fazlul Haque
Mr. Arijit Dey

...For the KMC

Affidavit of service filed in Court is taken on record.

Premises No. 39, Raja Dinendra Street, Ward No. 28,
Borough-IV is suffering an order of demolition passed by the
Executive Engineer (Civil), Building, Borough No. IV & V dated
8th December, 2022.

The said order is an appealable one.

The petitioners instead of preferring appeal before the
appellate forum approached this Court under Article 226 of the
Constitution of India.

By the time, the writ petition is taken up for consideration,
the Corporation has already taken steps for demolition of the
unauthorized construction.

In view of the subsequent facts, the writ petition has become infructuous.

The petitioners pray for a direction upon the Corporation to permit the owner of the premises to construct the boundary wall.

It will be open for the petitioners to approach the Corporation with the said prayer.

No relief can be granted to the petitioners in the instant case.

The writ petition stands dismissed as infructuous.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)