

W.P.A. 29822 of 2017
(IA No. CAN 1/2018 (Old No. CAN 3112/2018)

Sabita Halder & Anr.
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Tulshi Das Roy
Mr. Tirthankar Roy
...for the petitioners

Mr. Rajarshi Basu
...for the State

Mr. Alok Kr. Ghosh
Mr. Fazlul Haque
...for the KMC

The writ petition is taken up for consideration when Mr. Tulshi Das Roy, learned advocate representing the petitioners submits that in spite of making payment pursuant to the order passed in the Building Tribunal Appeal No. 78 of 2005 on 31st March, 2008 for regularization of deviation the same has not been regularized which prompted the petitioners to approach this Court with the present writ petition.

However, the prayer made in this writ petition reveals different issue has been couched in the writ petition. The petitioners by incorporating the prayer (a) have prayed for making further construction upon granting revised sanctioned plan.

Having heard the learned advocates representing the petitioners this Court has asked whether any case has been made out in the writ petition that in spite of

making payment on 31st March, 2008 pursuant to the order of the Building Tribunal passed in BT Appeal No. 78 of 2005 deviations have not been regularized this Court does not get any satisfactory answer from the petitioners.

At this juncture the learned advocate representing the petitioners has expressed willingness of the petitioners to withdraw the writ petition.

Such prayer made on behalf of the petitioners is not opposed the learned advocate representing the Kolkata Municipal Corporation and the State-respondents.

In view of the submissions made on behalf of the petitioners the writ petition stands dismissed as withdrawn with liberty to file afresh, if in spite of making payment pursuant to the order passed by the Building Tribunal in BT Appeal No. 78 of 2005 deviations have not been regularized by the concerned authority of the Kolkata Municipal Corporation.

Application, if any pending, also stands dismissed.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)