

Item No.3

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.08.2023
Ct-24

WPA 28728 of 2022

Sandhya Majhi & Ors.

v.

Kolkata Municipal Corporation & Ors.

Ms. Amrita Pandey

Ms. Shabnam Farooqui

Ms. Sneha Singh

...For the petitioners

Mr. Srijan Nayek

Mr. Syed Nasirul Hossain

... For the KMC.

The petitioners have forwarded a communication to their learned advocate-on-record disclosing their intention not to proceed with the writ petition any further. The same is taken on record.

It appears that the writ petition was filed challenging the action on the part of the Kolkata Municipal Corporation in taking steps to carry out the demolition proceeding to deal with the unauthorized construction in respect of premises no. 1. Hari Nath Dey Road, Raja Ram Mohan Sarani, Kolkata-700 009.

A report has been filed by the engineers of the Kolkata Municipal Corporation signed on January 18, 2023 wherefrom it appears that on the basis of a telephonic complaint alleging unauthorized construction, a departmental inspection was caused which revealed that unauthorized construction was

taking place. The department issued a stop work notice and thereafter proceeded under Section 400 of the Kolkata Municipal Corporation Act, 1980 to deal with the unauthorized construction. An order of demolition has been passed directing the person responsible to demolish the unauthorized construction.

As the petitioners do not intend to proceed with the writ petition any further, accordingly, the writ petition stands dismissed as 'not pressed'.

Dismissal of the writ petition will, however, not stand in the way of the Corporation to demolish the unauthorized portion in accordance with law.

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

Sh.

(Amrita Sinha, J.)