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Ct No 2023
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AGM

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

WPA 29044 of 2022

**Kanti Jana
Vs
Kolkata Municipal Corporation & Ors.**

Mr. Samim Ahammed
Mr. Arka Maiti,
Ms. Saloni Bhattacharya
... For the petitioner.

Mr. Subhrangsu Panda
... For the KMC.

Mr. Himadri Sekhar Chakraborty
Mr. S. T. Mina ... For the State.

Mr. Indrajit Bhattacharya
... For the private respondent.

The petitioner has filed the present writ petition seeking for a direction upon the Kolkata Municipal Corporation to demolish the unauthorised construction made by the private respondent.

It does not appear from the documents annexed to the writ petition that any objection was ever forwarded to the appropriate authority highlighting the issue.

A further prayer has been made for issuance of a writ of declaration that the Corporation does not have any authority to issue any sanctioned plan for use of development work till land use development and control plan is revised and notified by the Kolkata Metropolitan Development Authority.

It appears from the cause title of the writ petition that KMDA has not been impleaded as party respondent.

The submission of the learned advocate for the petitioner at the bar and the documents annexed to the writ petition imply that the petitioner has simply targeted the private respondent for raising construction.

Learned advocate presenting the private respondent denies the allegation of the petitioner and submits that the construction has been made in accordance with the plan sanctioned by the Corporation.

The Court is convinced that the writ petition has been filed with mala fide intention. The same is absolutely misconceived and liable to be dismissed.

The writ petition is accordingly dismissed.

Affidavit-of-service filed in Court today be kept 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.)