

W.P.A. 28776 of 2015
IA No. CAN 1/2017 (Old No. CAN 6472/2017)
IA No. CAN 2/2023 (application not in file)

Md. Idris Mallick & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharjee
Mr. Gora Chand Samanta
....for the petitioners

Mr. Alok Kumar Ghosh
Ms. Era Ghosh
Mr. Debangsu Mondal
...for the KMC

In the writ petition notice dated 6th February, 2015 served upon one of the co-sharers of the premises whereby proposal was made to submit details of the said land and it was also suggested to donate land in favour of Kolkata Municipal Corporation so that action can be taken for installation of Effluent Treatment Plan (ETP). Such notice dated 6th February, 2015 at page 44, annexure P5 to the writ petition is under challenge.

Previously upon hearing the learned advocates representing the parties the learned advocate for the Kolkata Municipal Corporation was directed to file a report on Garden Reach/Metiabruz Slaughter House. Accordingly, report in the form of affidavit affirmed by Chief Valuer Surveyor, Kolkata Municipal Corporation on 13th June, 2023 has been filed today enclosing the

resolution of the Kolkata Municipal Corporation dated 15th May, 2023 on the aforesaid slaughter house.

From the minutes of the meeting of the corporation it appears that decision has been taken to acquire premises no. Q 605 & Q 605/A where Garden Reach/Metiabruz Slaughter House is located and it has further been decided that on acquisition of land it would be utilized for making a “Modern Abattoir” observing Government Rules.

On perusal of such decision taken in the meeting dated 15th May, 2023 by the concerned authority of Kolkata Municipal Corporation it appears that the authorities of Kolkata Municipal Corporation have decided not to take steps on the basis of the impugned notice dated 6th February, 2015 which is under challenge in the present writ petition.

Consequently the impugned notice dated 6th February, 2015 stands set aside. However, leave is granted to the petitioners to take steps in accordance with law in the event steps are taken by the concerned authority of the Kolkata Municipal Corporation based on decision taken in the meeting dated 15th May, 2023 relating to Garden Reach/Metiabruz Slaughter House.

The report filed on behalf of the Kolkata Municipal Corporation today in the form of affidavit is taken on record.

With the aforesaid directions, the writ petition stands disposed of.

Applications, if pending, also stand disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)