

OD-8

ORDER SHEET

WPO No.395 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SYED IMTEYAZ HUSAIN
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:10th April, 2023.

Sk. Aptabuddin, Advocate for the Petitioner.

Mr. Gopal Chandra Das, Mr. Debangshu Mondal, Advocates for KMC.

Mr. Rahul Karmakar, Mr. D. Upadhyay, Mrs. Munmun Mazumder, Advocates
for Respondent Nos.7 & 8.

The Court:- The petitioner seeks implementation of the direction passed by the Special Officer (Building), Kolkata Municipal Corporation in the order dated 17.06.2019.

Learned advocate representing the respondents submits, upon instruction that, the said order is yet to attain finality as the order in question is pending scrutiny in the appeal filed by the petitioner before the learned Municipal Building Tribunal being B. T. Appeal No.7 of 2021.

Copy of the petition filed before the appellate forum has been handed over in Court. It appears therefrom that the appeal has been filed on 23.02.2021.

The petitioner has prayed for setting aside the order passed by the Special Officer (Building), Kolkata Municipal Corporation on 17.06.2019 with further direction for stay of operation of the said order till disposal of the appeal.

It appears that the petitioner has taken contrary stand before two different fora. The petitioner has challenged the order of the Special Officer (Building), Kolkata Municipal Corporation, before the learned Municipal Building Tribunal and seeks implementation of the same in the present writ petition.

The stand of the petitioner cannot be appreciated by the Court. The writ petition fails and is hereby dismissed.

Let a copy of the appeal being B. T. Appeal No.7 of 2021 be retained with the record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)