

APOT /71/2023
WPO/74/2020
IA No.GA/1/2023
IA No. GA/2/2023

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Original Side

HILLMAN DEVELOPERS (P) LTD. &
ANR.

-Versus-

THE KOLKATA MUNICIPAL
CORPORATION AND ORS.

Appearance:

Mr. Arindam Banerjee, Advocate
Ms. Sibangi Chattopadhyay, Advocate,
Ms. Piyarshi Chakraborty, Advocate
Ms. Sinthia Bala, Advocate
...for the Appellants
Mr. Alope Kr. Ghosh, Advocate
Mr. Arijit Dey, Advocate,
for Kolkata Municipal Corporation.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE APURBA SINHA RAY

Date: March 22, 2023.

THE COURT: Affidavit of service filed in Court today be
kept with the records.

Re: IA. GA/1/2023:

This is an application for condonation of delay of 148 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

IA. GA/1/2023 is disposed of.

Re: APOT No. 71 of 2023, GA/2/2023:

The appellants approached the learned single Judge challenging the decision of Kolkata Municipal Corporation to declare the property of the appellants being premises no. 15, Sovabazar Street, Kolkata – 700 005, as a heritage property.

At the time of hearing, the learned Judge was apprised that two appeals are pending before a Division Bench being APO/3/2020 (Purti West Enclave Pvt. Ltd. vs. KMC & Ors.) and APO/68/2022 (KMC vs. M/s. GK Soni Housing & Development Pvt Ltd.) pertaining to the same issues as are involved in WPO/74/2020.

The learned Judge by the order dated September 16, 2022, which is impugned in this appeal, observed as follows:

“On a query of the Court Mr. Ghosh, learned Advocate appearing for the KMC submits that he has no objection if this writ petition is decided along with the appeals pending before the Division Bench.

However, since the appeals are pending before the Hon’ble Division Bench, no order for analogous hearing can be passed by this Court.

Since the learned Advocates of the respective parties have not disputed that identical questions of law and fact are involved in this writ petition and the appeals are pending before the Hon’le Division Bench the hearing of this writ petition is adjourned and this writ petition is directed to go out of the list to enable the parties to take appropriate steps in this regard.”

Being aggrieved, the writ petitioners are before us by way of this appeal. They anxiously want early disposal of the issue involved in the writ petition.

Mr. Ghosh, learned Advocate for the Corporation raises the question of maintainability of the appeal. However, we may not have to decide that issue since we are inclined to hear out

the writ petition along with the two appeals being APO/3/2020 (Purti West Enclave Pvt. Ltd. vs. KMC & Ors.) and APO/68/2022 (KMC vs. M/s. GK Soni Housing & Development Pvt Ltd.).

Let the records of WPO/74/2020 be placed before us when the aforesaid two appeals are listed for hearing.

The appeal (APOT/71/2023) and the connected application (IA.GA/2/2023) are, accordingly, disposed of.

(ARIJIT BANERJEE, J.)

(APURBA SINHA RAY, J.)

dg/