

ORDER SHEET
WPO No.1728 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAHIN SULTANA
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:18th October, 2023.

Appearance:
Mr. Arif Ali, Adv.
Mr. Sarban Bhattacharjee, Adv.
...for Petitioner.

Mr. Biswajit Mukherjee, Adv.
Ms. Piyali Sengupta, Adv.
...for KMC.

Mr. Partha Sengupta, Adv.
Ms. Sarda Saha, Adv.
Mr. Biswaroop Sengupta, Adv.
...for Respondent nos.11 to 13.

Mr. Ovik Sengupta, Adv.
...for State.

The Court:-The petitioner seeks implementation of the order of demolition passed on 11th September, 2017.

Statutory appeal preferred against the order of demolition stood dismissed. A civil revision application is currently pending disposal before this Court being CO No. 3040 of 2023. An order has been passed by a co-ordinate Bench of this Court on 06.10.2023 directing service of the civil revision application and the matter has been directed to appear in the list after four weeks after reopening of the Court after the Puja Vacation.

Admittedly, there is no stay of the order of demolition as on date.

If the order of demolition is implemented, then the cause of action will not survive any further.

In view of the above, the Court is not passing any order at this stage.

The writ petition stands disposed of with liberty to the petitioner to approach the appropriate forum after disposal of the pending civil revision application.

Learned advocate appearing on behalf of the private respondent is granted leave to file Vakalatnama in the department in course of the day.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

nm