

WPO No.1846 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SADHAN KUMAR CHATTERJEE
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 21st December, 2023.

Appearance:
Mr. Kashinath De, Adv.
Mr. Sandip Kr. De, Adv.
Mr. Abhijit Sarkar, Adv.
....for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Ms. Suranjana De Sarkar, Adv.
... for K.M.C.

Mr. Robiul Islam, Adv.
Mr. K. M. Hossain, Adv.
Mr. Raju Mondal, Adv.
Mr. Ardan Ali, Adv.
...for Respondent Nos.8 to 10.

Mr. Debangshu Dinda, Adv.
...for State.

The Court:- The writ petition is in respect of two premises 38 & 40 and 42A, Dhiren Dhar Sarani, Kolkata-700012.

The private respondents in the instant writ petition filed an earlier writ petition before this Court being WPA No. 21991 of 2023 [Gopal Chandra Saha & Ors. Vs. The State of West Bengal & Ors.]. The Court disposed of the writ petition on 09.10.2023 passing certain directions relying upon the report filed by the engineers of the Corporation.

The petitioner in the instant writ petition submits that the direction passed in the said order cannot be complied with because of the non co-operation of the private respondents herein.

Learned advocate representing the private respondents submits that the order passed by this Court on 09.10.2023 has been carried in appeal being MAT No. 2452 of 2023 dated 15.12.2023 which is pending consideration.

On a query, it has been reported that the stay application in connection with the appeal is yet to be filed and the parties are yet to be notified.

Upon hearing the parties, it appears that there are several disputed questions of facts which cannot be ascertained in the present writ petition. The Court relied upon the report submitted by the engineers of the Corporation and passed necessary orders. One of the parties to the writ petition has preferred an appeal. The parties will be at liberty to make appropriate submissions before the Hon'ble Division Bench.

No order can be passed in the present writ petition.

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.)

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