

OD-4

ORDER SHEET
WPO No.3279 of 2022
IA NO. GA/2/2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

MD. EHTESHAM UDDIN
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:20th April, 2023.

Appearance:
Ms. Nasrin Khatoon, Adv.
..for the Petitioner.

Mr. Amit Gupta, Adv.
Mr. Anindya Bose, Adv.
.. for Applicant in GA/2/2023.

Mr. Ranajit Chatterjee, Adv.
Ms. Piyali Sengupta, Adv.
... for KMC.

Ms. Susmita Chatterjee, Adv.
... for the State.

The Court:-Affidavit-in-opposition filed on behalf of the Kolkata Municipal Corporation is taken on record.

An application for addition of party has been filed by the person held to be responsible for making unauthorized construction.

It appears that an order of demolition under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 has been passed on 20.03.2023.

The primary prayer of the petitioner in the writ petition is for taking necessary steps against the unauthorized construction at 10/H/6, Kasai Bustee 1st Lane renumbered as 10/6, Kasai Bustee 1st Lane, Ward No.29, Borough-III, Kolkata - 700011.

During the pendency of the writ petition, the Executive Engineer (Civil), Building Department, Borough-III, the Kolkata Municipal Corporation has already considered the issue and passed an order of demolition. The person aggrieved has filed an appeal before the learned Municipal Building Tribunal being B. T. Appeal No. 76 of 2023.

Executive Engineer (Civil) of the concerned Borough is directed to immediately transmit the case records of the present case before the learned Municipal Building Tribunal so that the matter can be disposed of by the learned Tribunal without any unnecessary delay.

As the grievance of the petitioner has already been redressed, accordingly, there is no requirement of proceeding with the writ petition any further.

It will be open for the writ petitioner to take appropriate steps in the pending appeal before the learned Municipal Building Tribunal, if so advised.

Writ petition stands disposed of.

The application being GA No.2 of 2023 for addition of party also stands disposed of.

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.)