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07.02.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 21552 of 2023

**Tamijul Haque
-versus
The State of West Bengal & Ors.**

**Mr. Md. Mansoor Alam.
...For the Petitioner.**

The petitioner filed the instant writ petition challenging the unauthorized construction at premises no. Z-3/238/97/C, Bagdipara Road, Warisnagar, Gate No. 02 Police Station-Nadial, KMC, Ward No. 141, Borough-XV under jurisdiction of the Kolkata Municipal Corporation.

At the time of consideration of the writ petition, learned advocate appearing for the petitioner submits that his client has given written instruction not to press the writ petition any further as the matter has been amicably settled in between the parties.

The Court is of the opinion that an issue of unauthorized construction cannot be settled amicably. It is for the respondent authorities to ascertain as to whether unauthorized construction has been made or not.

As the petitioner is not inclined to press the writ petition, accordingly, the same stands dismissed as 'not pressed'.

Dismissal of the writ petition will, however, not stand in the way of the Executive Engineer, Borough-XV to ascertain as to whether any unauthorized construction exists at the subject premises or not. Necessary consequential steps shall be taken if unauthorized construction is detected.

The written instruction given by the petitioner to his learned advocate be taken on 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.)