

Mr. Srijib Chakraborty,
Mr. Aditya Mondal

...for the Petitioners

Mr. Billwadal Bhattacharyya,
Mr. Anish Kumar Mukherjee,
Mr. Tamoghna Pramanick

...for Respondent No. 6

Mr. Alak Kr. Ghosh,
Mr. Swapan Kr. Debnath

...for KMC

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

...for the State

Mr. Subhrangsu Panda

...for Respondent Nos. 7 & 8

An order of demolition was passed on April 22, 2022, by the Kolkata Municipal Corporation regarding the unauthorised construction of three additional floors at the premises no. 2/1A/H/8, Nawab Ali Lane and also known as B/2/H/8, Nawab Ali Lane, Kolkata – 700 023 under Kolkata Municipal Corporation.

A co-ordinate Bench of this Court in **WPA 10838 of 2022 (Haseeb Alam Vs. The Kolkata Municipal Corporation & Ors.)** dated December 21, 2023, passed the following order:-

“Since it has been brought to the notice of the Court that a statutory appeal is pending and the next date of hearing is fixed on 3rd January, 2024, accordingly, the Corporation is directed to stay their hands till 29th February, 2024 or until further order whichever is earlier.

If the person responsible fails to obtain any order of stay of the order of demolition prior to 29th February, 2024, it will be open for

the Corporation to proceed with the demolition work.

Deputy Commissioner of Police, Port Division is directed to provide adequate police protection for vacating the unauthorised portions of the subject structure at 2/1A/H/8 (B/2/H/8), Nabab Ali Lane, Ward 78, Borough IX of the Corporation.

The vacating of the unauthorized structure and the demolition should continue hand in hand.

The private respondents are restrained from interfering with the work of demolition which will be conducted strictly in accordance with law.”

The petitioner by filing this writ petition has impugned a notice dated October 26, 2024, whereby the officer-in-charge, Ekbalpur Police Station asked one Md. Akib Rashid to vacate the premises to implement the aforesaid order dated December 21, 2023.

Mr. Srijib Chakraborty, learned advocate appearing for the petitioner submits that the appeal preferred by the landlord of the relevant premises remains un-disposed till date, due to the COVID-19 pandemic which hindered the progress of hearing. He also submits that the Building Tribunal was not functional at the relevant period. He seeks breathing time so that the appeal pending before the Building Tribunal may be disposed of.

Mr. Billwadal Bhattacharya, learned advocate appearing for respondent no. 6 has drawn attention of this Court to the fact that the appeal referred to by the petitioner in this writ petition as well as before the Co-ordinate Bench, pertains to different parties and different

premises.

I am not inclined to delve into the disputes involved in this writ petition. Any order passed by this Court may amount to an interference with the order passed by the Co-ordinate Bench.

In view of the aforesaid, this writ petition is not entertained.

Parties are at liberty to take steps in accordance with law.

Accordingly, **WPA 26895 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)