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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/531/2024
IA NO: GA/1/2024

M/S NESTING CONSTRUCTIONS LLP AND ANR
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date : 25th September, 2024

Appearance:
Mr. N.C Behani, Adv.
Ms. Pratiti Das, Adv.
....for the petitioners
Mr. Alak Kr. Ghosh, Adv.
Mr. Nilanjan Chattarjee, Adv.
Ms. Gopa Chandra Das, Adv.
...for the K.M.C.

The Court:- A co-ordinate Bench of this Court in WPA No. 1239 of 2024 has already directed the Kolkata Municipal Corporation to conclude the balance demolition work in respect of premises No. 4, Dehi Entally Road, Police Station- Entally under ward No. 55, Borough-VI under Kolkata Municipal Corporation following an order passed under Section 400(8) of the Kolkata Municipal Corporation Act, 1980.

The petitioner in this case challenges the invocation of Section 400 (8) by the Corporation.

Mr. Behani, learned Advocate appearing for the petitioner submits that the Corporation could not have invoked Section 400(8) of the Kolkata Municipal Corporation Act in the facts and circumstances of the case.

I am of the view that there is no scope to entertain this writ petition since the order dated April 30, 2024 remains in effect. Any order passed by this Court in this writ petition will interfere with the order dated April 30, 2024.

I uphold the issue of maintainability as raised by the corporation.

Accordingly, WPO/531/2024 along with GA/1/2024 is disposed of.

This order, however, shall not preclude the petitioner from approaching the appropriate forum in accordance with law.

(KAUSIK CHANDA, J.)

KB.