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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/233/2024
WITH
WPO/532/2024
IA No.GA/1/2024

BANANI DUTTA & ANR.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE :

THE HON'BLE JUSTICE JOYMALYA BAGCHI
And
THE HON'BLE JUSTICE GAURANG KANTH
Date : 25th June, 2024

Appearance :
Mr. Raghunath Chakraborty, Adv.
....for appellants
Mr. Alak Kr. Ghosh, Adv.
Mr. Swapan Kr. Debnath, Adv.
...for KMC
Mr. Satadeep Bhattacharyya, Adv.
Mr. Pawan Kr. Gupta, Adv.
Mr. Sambhu Mahato, Adv.
Mr. Pradipta Siddharta, Adv.
...for private respondent no.8
Mr. Manoj Malhotra, Adv.
Mr. Sabyasachi Mondal, Adv.
...for State

The Court :- During hearing of the appeal, parties consent to the following
order.

1. The appellants shall hand over the key to the glazed with aluminum framed sliding door (hereinafter referred to as the “unauthorized construction”) within 24 hours to the private respondent and shall not obstruct his access to the terrace. This would, however, not create any equity in favour of the private respondent in the pending civil suit.
2. Subject to the aforesaid, the order of demolition shall be kept in suspension and appellants shall be entitled to make application before the Municipal Commissioner for regularization of the unauthorized construction upon payment of retention fee as per law.

With the aforesaid directions, the appeal along with the application is disposed of.

(GAURANG KANTH, J.)

(JOYMALYA BAGCHI, J.)