

Dd 17 29.01.2025

MAT/105/2025
With
IA NO: CAN/1/2025

ASHIS KUMAR ROY
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

Mr. Sanjoy Bose,
Mr. Priyankar Basu Mallick,
Mr. Sayandeep Chanda, Advocates
... .. For the Appellant

Mr. Supratim Dhar, sr. adv.
Mr. Dhananjay Nayak,
Ms. Tanwishree Mukherjee, Advocates
... .. For the Respondent No. 10

Mr. Alok Kumar Ghosh,
Mr. Gopal Chandra Das, Advocates
... For the KMC

Mr. Mani Sankar Chattopadhyay, Advocate
.. ...For the respondent Nos. 6,7,8

1. Appeal is directed against an order dated January 6, 2025 passed in WPA 15802 of 2024.
2. By the impugned order, learned single Judge found the writ petition to be not maintainable.
3. Learned single Judge found that there was title disputes between the private parties. Therefore, learned single Judge did not intervene in the writ petition.
4. Appeal is at the behest of the writ petitioner.
5. Learned advocate appearing for the appellant submits that, the appellant is questioning the grant of a sanctioned plan by the Kolkata Municipal Corporation to the private respondent. He submits

that, the subject matter of the writ petition cannot be said to be within the scope and ambit of the civil suit filed at the behest of the appellant and pending before the civil Court.

6. State, Kolkata Municipal Corporation and the private respondents are represented.
7. Records made available to Court demonstrates that there is a civil suit filed at the behest of the writ petitioner questioning the right, title and interest of the private respondents in respect of an immovable property.
8. Court is informed that, there is a sanction granted in favour of the private respondents and the construction in accordance with such sanction was already made.
9. The issue as to whether, the sanction granted by Kolkata Municipal Corporation to the private respondent could at all be granted or not is dependent upon the issues raised in the civil suit. Till such time, the issue of title is decided conclusively by a civil Court, the issue as to whether or not sanction granted by the Kolkata Municipal Corporation is valid should not be entered into by a writ Court.
10. In such circumstances, we find no ground to interfere in the present appeal.
11. MAT/105/2025 along with connected applications are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)