

Court No. 2
14.02.2025
(Item No. 10)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 3527 of 2025

Md. Alam Hussain & Ors.
VS
The Kolkata Municipal Corporation & Ors.

Ms. Suparna Mukherjee
Mr. Biswajib Ghosh
Mr. Sumitava Chakraborty
..... for the petitioners
Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
.... For the State
Mr. Alope Kumar Ghosh
Ms. Tanushree Das Gupta
.... For K.M.C.

Upon urgency being pleaded and since the regular determination has been assigned to this Court, this writ petition has been taken up for consideration.

Affidavit of service filed in Court today is taken on record.

Ms. Suparna Mukherjee, learned senior counsel appears for the petitioners. On instruction from her clients she prays for withdrawal of this writ petition and to file appropriate proceeding before the appropriate jurisdictional forum on the self-same cause of action.

At this juncture Mr. Alope Kumar Ghosh, learned counsel appearing for the K.M.C. submits that the writ petition is not maintainable and the petitioners have no right to challenge the action of

K.M.C. in the facts and circumstances pleaded in the writ petition.

Without going into the merits of the rival contentions of the parties, the petitioners are allowed to withdraw this writ petition.

Accordingly, this writ petition being **W.P.A. 3527 of 2025** stands **dismissed as withdrawn** with leave to file appropriate proceeding before the appropriate jurisdictional forum on the self-same cause of action in accordance with law.

It is made clear that all points raised by the parties before this Court are kept open to be urged before such forum.

In the event, the petitioners apply for the certified copy/copies of the impugned order/orders the same shall immediately be provided to the petitioners by the appropriate authority of the K.M.C. positively within **two working** days from the date of filing of such application.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)