

21.04.2025.
Item No. 10.
Court No. 13
ap

M.A.T. No. 542 of 2024
With
I.A. No. CAN 1 of 2024

Arabindo Sarkar
Versus
Kolkata Municipal Corporation & Ors.

Mr. Dinendra Nath Chatterjee,
Mr. Partha Sengupta.

...For the appellant.

Mr. Gopal Chandra Das,
Mr. Atish Biswas.

...For the KMC.

1. The instant intra court appeal is directed against an order dated 22nd January, 2024 passed by a Co-ordinate Bench of this Court in W.P.A. No. 22903 of 2018.
2. The subject matter of the writ petition was an alleged unauthorized construction by the private respondent.
3. The learned Single Judge had initially called for a report from the Special Officer (Building).
4. The Special Officer (Building) reported that there was certain unauthorized construction that was demolished and other unauthorized construction was allowed to be retained on imposition of conditions permitted under the Kolkata Municipal Corporation Act, 1980.
5. The Court, however, without pronouncing upon the report of the Special Officer (Building) held that since the order impugned in the writ petition is an

appealable order, the petitioner may approach the Appellate Authority. The writ petition was therefore disposed of with such liberty to the petitioner to prefer an appeal on or before 6th February, 2014.

6. The appellant has not filed any such appeal.

7. However, if the appellant so desirous, he may file such appeal against the order of the First Authority within a period of one month from date.

8. With the aforesaid observations, M.A.T. No. 542 of 2024 shall stand disposed of.

9. In view of disposal of the appeal itself, the connected application being CAN 1 of 2024 shall also stand disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)