

26.09.2025
Ct. No.3
Sl. No.7
akd

**W. P. A. 7436 of 2025
(C. A. N. 1 of 2025)**

[Md. Ashfaque Ali -Vs- The Kolkata Municipal Corporation & Ors.]

Mr. Bratin Kumar Dey
Mr. Joydeep Das
... ... for the petitioner

Mr. Alok Kumar Ghosh
Mrs. Sima Chakraborty
... ... for the KMC

Mr. Gourav Das
Ms. Sanjukta Samanta
... ... for the State

1. Learned counsel for the petitioner seeks to withdraw the present writ petition, though it is mentioned in the prayer portion that this petition has been filed alleging illegal and unauthorized construction at Premises No. 163, Ustad Enayat Khan Avenue (Karaya Road), Kolkata, Ward No. 64 under Borough-VII.
2. Since the writ petition has been filed alleging illegal and unauthorized construction, it is incumbent on the part of the respondent-Kolkata Municipal Corporation to carry out the necessary civic duty by stopping all illegal and unauthorized constructions. It is expected that as far as the aforesaid property is concerned, the respondent-Kolkata Municipal Corporation authorities shall carry out the necessary action in the terms of the Kolkata Municipal Corporation Act, 1980.
3. This Court also notes that these kind of writ petitions are filed with ulterior motive to extort financial benefits or

pressurize innocent owners or builders to gain unlawful considerations. Though the learned counsel for the petitioner is unable to give any reason as to why the petitioner wishes to withdraw the present writ petition, this Court restricts itself from expressing any opinion as far as this writ petition is concerned; although the respondent-Kolkata Municipal Corporation authorities are directed to carry out the necessary proceedings in accordance with law to fulfil their statutory duties.

4. Accordingly, the writ petition is dismissed as withdrawn.
5. In view of dismissal of the writ petition, the connected application being CAN 1 of 2025 is also disposed of.
6. The written instruction from the petitioner to his learned Advocate-on-record is taken on record.
7. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)