

22.04.2025
Item No.6
PG/KS
Ct. No.1

R.V.W. 104 of 2025
+
W.P.A. (P) 288 of 2024
+
I.A. No. CAN 1 of 2025
Kaniz Ahmed
Versus
Sabuddin & Ors.

Mr. Anirban Banerjee, Sr. Adv.
Ms. Arpita Saha
Mr. Ashis Kr. Mukherjee
Mr. S. Prasad

.....For the Review Applicant

Mr. Abdul Hamid Molla
Md. Abdul Halim
Mr. Sahil Hamid
Ms. Nupur Chaudhuri

.....For the Respondent Nos.1 to 4

Mr. Alok Kr. Ghosh

.....For the K.M.C.

1. This review application has been filed to review the order and direction dated 20th March, 2025 in W.P.A. (P) 288 of 2024.
2. The learned senior advocate appearing for the review applicant submitted that the Court committed a mistake and/or error apparent on the face of the record in passing order of vacation of the premises and of demolition of the alleged unauthorized portion thereof by usurping the power of the Municipal authorities. In support of such contention it is submitted that already proceedings under Section 400(1) of the K.M.C. Act, 1980 has been initiated and the same is pending before the statutory authority concerned and notice of hearing was also issued and until and unless, the said proceeding is taken to the logical

end, the Court could not have issued the directions in the impugned order.

3. This aspect was taken note of by the Court while passing the order and paragraphs 14 and 15 of the order clearly takes note of the situation and the Court opined that the notice issued by the Kolkata Municipal Corporation to the petitioners in December, 2024 is a clear attempt to make the present proceeding ineffective. Therefore, direction was issued, which are required to be complied with by the authorities and the Court has also taken note of the fact that there are occupants in the building, which has been unauthorizedly constructed and, therefore, they were directed to be given reasonable time to vacate, failing which the Kolkata Municipal Corporation authority was directed to initiate appropriate action.
4. Thus, we find that there is no error, which is apparent on the face of the record for us to entertain this review application.
5. Accordingly, R.V.W. 104 of 2025 stands dismissed.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)