

30.07.2025
Court No.13
Item No. 12
sp

M.A.T. 1177 of 2025
With
CAN 1 of 2025

Saifuddin Kazi & Anr.
Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Subhrangsu Panda,
Ms. Haritri Roy,
Mr. Ratul Ghosal,
Mr. Rohit Adhikary.

...For the appellants.

Mr. Amitabrata Roy,
Mr. Nilotpall Chatterjee,
Mr. Prasanta Behari Mahata,

...For the State.

Mr. N.C. Behani, Id. Sr. Adv.
Mr. Atis Kumar Biswas.

..for the KMC.

1. The appeal is directed against an order dated 25th July, 2025. The writ petition was dismissed as not pressed since the appellants wanted to approach the building Tribunal in appeal. Liberty has been granted to the appellants to prefer such appeal.

2. This Court finds no issues decided by the Single Bench to entitle the appellants to file the instant appeal.

3. Mr. N.C. Behani, learned Senior Counsel for the KMC submits that there is admittedly no sanction plan for the building at all. The construction is ex facie illegal.

4. Pursuant to an order passed by another Single Bench in WPA 985 of 2024 dated 30th April, 2024, the Executive Engineer (Civil), Building, Borough-XV was directed to

conclude hearing and pass orders. Such Executive Engineer had already passed orders on 19th February, 2024 directing demolition of the unauthorized construction by the appellant failing which, the Corporation would take steps in accordance with law.

5. Having regard to the facts and circumstances as indicated hereinabove, this Court is of the view that MAT 1177 of 2025 itself is not maintainable and is hereby dismissed.

6. After the order is dictated, the learned counsel for the appellant wishes to withdraw the appeal.

7. The appeal is dismissed as withdrawn with costs assessed at Rs. 10,000/- payable by the appellant to the KMC.

8. Interim orders, if any, shall stand vacated.

9. Consequently, all connected applications, if any, shall stand disposed of.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)