

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE**

IA NO. GA/1/2025
IN
WPO/100/2025
LA MARTINIERE SCHOOL FOR BOYS & OTHERS
VERSUS
KOLKATA MUNICIPAL CORPORATION AND OTHERS

**PRESENT:
THE HON'BLE JUSTICE ANIRUDDHA ROY**

For the petitioners	:	Ms. Shrayashee Das, Advocate Mr. Sankalp Narain, Advocate Mr. B. P. Tiwari, Advocate Ms. Debjani Sengupta, Advocate Mr. Rohan Kr. Thakur, Advocate Mr. Tridibesh Dasgupta, Advocate
For KMC	:	Mr. Alak Kr. Ghosh, Advocate Mr. Swapan Kr. Debnath, Advocate
For State of W.B.	:	Mr. Swapan Banerjee, AGP Mr. D. Narayan Banerjee, Advocate Mr. D. Das, Advocate

Heard on : September 16, 2025.

Judgment on : September 16, 2025.

ANIRUDDHA ROY, J.:

In Re: IA NO. GA/1/2025

1. On the prayer of Mr. Swapan Kumar Debnath, learned advocate appearing for KMC, time to file affidavit in opposition in the instant application stands extended till today. The affidavit in opposition filed in

Court today is taken on record. Copy has already been served upon the writ petitioners.

2. Ms. Shrayashee Das, learned advocate appearing for the petitioners has referred to a specific averment made by KMC in the its affidavit in opposition, which is reproduced hereinbelow:-

“g) It is apparent and clear from the orders passed by the Hon’ble Appeal Court that the School was permitted to carry out the certain urgent repairing works as indicated in the report dated 9th June, 2025 and reflected in the resolution of the H.C.C. dated 12th June, 2025. That being the position the force of the stop work notice as earlier issued and challenged in the writ petition has become infructuous. In so far as the letter of the Executive Engineer (civil) of the E & H Department dated 29th January, 2025 as addressed to the Shakespeare Sarani Police Station for taking appropriate action against the offenders the Heritage Conservation Committee made the third recommendation in its resolution dated 12th June, 2025.”

3. According to the learned counsel for the petitioners, since the stop-work notice has become infructuous, as admitted by KMC in the affidavit in opposition, if the KMC withdraws the said stop-work notice, the petitioners shall also withdraw the writ petition.
4. At this juncture, Mr. Alak Kumar Ghosh, learned counsel appearing for KMC, referring to the same averment made in the affidavit in opposition, as quoted above, submits that since the stop-work notice has become infructuous in view of the directions of the Hon’ble Appellate Court, there is no need to proceed with the writ petition any further as the same has become infructuous. He further submits that the said stop-

work notice which is under challenge in the writ petition has also become infructuous.

5. Considering the submissions made on behalf of the parties, it appears to this Court that the pendency of this writ petition any further will be a futile formality.
6. Accordingly, the main writ petition is being treated as on day's list for final hearing, by consent of the parties, and the same also stands disposed of with the instant application.
7. In view of the above, this writ petition **WPO/100/2025** stands disposed of and consequently, the instant application **IA NO. GA/1/2025** also stands disposed of. Connected applications, if any pending, also stand disposed of.

(ANIRUDDHA ROY, J.)

S. Kumar