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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/430/2025

SK AMIN

VS

KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE

HON'BLE JUSTICE GAURANG KANTH

Date: SEPTEMBER 18, 2025.

Appearance :

Mr. Kajal Baran Ray, Adv.

...for petitioner

Mr. Alak Kr. Ghosh, Adv.

Mr. Swapan Kr. Debnath, Adv.

Ms. Manisha Nath, Adv.

...for KMC.

The Court: - The petitioner has preferred the present writ petition seeking regularisation under Section 403 of the Kolkata Municipal Corporation Act for premises No. 8/1, Bishnubabu Lane, Khidirpore, P.S. Watgunge, Ward No. 76, Kolkata.

It is the case of the petitioner that construction was carried out in accordance with a sanctioned plan and that the additional illegal and unauthorised constructions are minor in nature and capable of being regularised.

Learned Counsel for the respondent Corporation has handed over a copy of an order passed under Section 408 of the KMC Act, directing demolition of the unauthorised structure. A copy of the said order has also been handed over to the learned Counsel for the petitioner.

Learned Counsel for the petitioner seeks liberty to obtain instructions from his client regarding challenging the said demolition order and, accordingly, seeks to withdraw the present writ petition.

Report filed by the learned Counsel for the respondent Corporation is taken on record.

Learned Counsel for the petitioner has relied upon a judgment of the Hon'ble Supreme Court in *Bijay Biswakarma vs. Rajkumari Devi Singh & Others*, reported in 2024 SCC OnLine SC 2918, to submit that during the pendency of a regularisation application, no coercive action should be taken by the respondent Corporation. However, the facts of the present case are distinguishable and not covered by the said judgment, inasmuch as the respondent Corporation has already passed a demolition order under Section 408 of the KMC Act.

In view of the above, learned Counsel for the petitioner seeks time to obtain further instructions.

Learned Counsel for the petitioner now seeks to withdraw the present writ petition, in light of the demolition order already having been passed in respect of the subject premises.

Liberty is granted to the petitioner to initiate appropriate proceedings in accordance with law.

The writ petition is accordingly dismissed as withdrawn.

(GAURANG KANTH, J.)

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