

OD-5

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1209/2024

ASHOK KUMAR SHARMA

-VS-

THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

THE HON'BLE JUSTICE GAURANG KANTH

Date : July 10, 2025.

Appearance:

Ms. Sucharita Biswas, Adv.

Mr. Debapriya Gupta, Adv.

... for the petitioner

Mr. Sandipan Banerjee, Adv.

Mr. Swapan Kr. Debnath, Adv.

... for the KMC

The Court : The petitioner has preferred the present writ petition seeking demolition of the alleged unauthorized construction in respect of premises no. B/14/H/4, Bindu Basini Street, Ward No. 78, Borough-IX at behest of the private respondent.

One report had been filed by the Executive Engineer (C), Building Department, Borough-IX wherein it is stated that the department had issued a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 and subsequently, had passed an order of demolition dated 09.05.2024. The said demolition order was challenged before the Municipal Building Tribunal. The Tribunal vide order dated 30.04.2025 has stayed the demolition order.

The present issue regarding the unauthorized construction is seized of by the Tribunal and the relief sought by the writ petitioner

cannot be granted at this stage, since the matter is pending before the Municipal Building Tribunal, Kolkata Municipal Corporation.

Learned Counsel for the petitioner at the stage states that she would prefer her remedies before the Learned Tribunal and does not wish to press the present writ petition at this stage.

In view of the above development, she wishes to withdraw the present writ petition and the same is dismissed as withdrawn.

(GAURANG KANTH, J.)

RS