

REVISED

ITEM NO.38

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 2868/2017  
(Arising out of impugned final judgment and order dated 21/09/2016  
in MAT No. 1555/2016 passed by the High Court Of Calcutta)

KABIR AHMED MOLLA AND ORS.

Petitioner(s)

VERSUS

MD. SHAMSUL HAQUE MOLLA AND ORS.  
(with interim relief)

Respondent(s)

Date : 03/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. Pijush K. Roy, Adv.  
Mrs. Kakali Roy, Adv.  
Mr. Rajan K. Chourasia, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Heard Mr.Pijush K. Roy, learned counsel for the petitioner.

The grievance of the petitioner is that the order passed by the Division Bench in M.A.T. No.1555 of 2016 is going to be considered by the Maheshtala Municipality to demolish the house. On a perusal of the order we find that the High Court had only observed that if the construction is unauthorized then only the Municipality shall proceed in accordance with the law.

Needless to say whether the construction is unauthorized or not has to be determined first by the competent authority of the Municipality.

With the aforesaid clarification of the order passed by the High Court, the special leave petition stands disposed of.

(Ashok Raj Singh)  
Court Master

(H.S. Parasher)  
Court Master

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For Petitioner(s)

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Mrs. Kakali Roy, Adv.  
Mr. Rajan K. Chourasia, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Heard Mr.Rajan K. Chourasia, learned counsel for the  
petitioner.

The grievance of the petitioner is that the order passed by  
the Division Bench in M.A.T. No.1555 of 2016 is going to be  
considered by the Maheshtala Municipality to demolish the house.  
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