

**Sl. No.27**  
**11.11.2024**  
**Suman**  
**Ct. 15**

**WPA 18368 of 2023**

**Md. Ataullah**  
**Vs.**  
**The Kolkata Municipal Corporation and Ors.**

Mr. Ashis Kumar Chowdhury  
Mr. Rajib Ghosh  
Mr. B. B. Bera  
..for the petitioner

Ms. Mitali Mukherjee  
Ms. Srijani Mukherjee  
...for the State

Mr. Gopal Chandra Das  
Ms. Ananya Das  
..for KMC

Mr. Pinaki Bhattacharya  
Mr. Amartya Mohan Bhattacharya  
..for respondent nos. 7 and 8.

The petitioner asserts ownership of the property located at Premises No. 147/C, Ward No. 133, Ballamtola Lane, Kolkata. The petitioner further contends that Respondent Nos. 7 to 9 are engaged in unauthorized construction at the said premises. Despite repeated representations made to the Kolkata Municipal Corporation and the local police authorities, the petitioner alleges that no action has been taken to address the issue.

The learned advocate for Respondent Nos. 7 to 9 denies that his clients are responsible for the construction in question. He further submits that a partition suit is pending between the parties concerning the disputed plot of land.

The learned advocate for the Kolkata Municipal Corporation has submitted a report, which indicates that the Corporation conducted an inspection of the site on July 14, 2024. The inspection revealed that construction of a five-storey building was underway without the requisite sanctioned plan. As a result, the Corporation issued a stop-work notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980, on July 14, 2024, to both the private respondents and the petitioner. Following the preparation of a sketch map and infringement statements, the matter was referred to higher authorities within the Corporation for further processing under Section 400 of the Kolkata Municipal Corporation Act, 1980.

Given that the Corporation has already initiated appropriate proceedings with respect to the alleged unauthorized construction, this Court is not inclined to keep the writ petition pending. Accordingly, the writ petition is disposed of with a direction to the Kolkata Municipal Corporation to take the necessary steps in accordance with the law, as expeditiously as possible,

and preferably within one month from the date of communication of this order.

Accordingly, **WPA 18368 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

**(Kausik Chanda, J.)**