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18-04-2024
(Ct. no.06)
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**IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
APPELLATE SIDE**

MAT 1697 of 2014

**The Kolkata Municipal Corporation & Ors.
Vs.
M/s. K. C. Mookherjee & Sons & Ors.**

Mr. Ashok Kumar Banerjee, Sr. Adv.,
Mr. Barin Banerjee,
Mr. Swapan Kumar Debnath

... For the Appellants.

A judgment and order dated July 25, 2014, whereby eight writ petitions were disposed of by a learned Judge of this Court, is under challenge in this appeal filed by Kolkata Municipal Corporation (in short 'KMC') in connection with one of the writ petitions being W.P.3583(W) of 2014 (M/s. K. C. Mookherjee & Sons and Ors. Vs. The Kolkata Municipal Corporation and Ors.).

In effect, what the said judgment holds is that there is no statutory provision permitting legalization of an unauthorized construction. Therefore, KMC does not have the power to regularize unauthorized constructions.

In 2015, The Kolkata Municipal Corporation (Regularization of Building) Regulations, 2015 were framed in exercise of power under Sections 602, 603 and 604 the Kolkata Municipal Corporation Act, 1980. The said statutory Regulations specifically empower KMC to regularize minor unauthorized erections.

In view of the aforesaid, the judgment and order impugned in this appeal loses much of its relevance. With this clarification, the appeal stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Prasenjit Biswas, J.) (Arijit Banerjee, J.)