

03.11.2025
sayandeep
Sl. No. 24
ML
Ct. No. 03

WPA 654 of 2025

Abhimanyua Ray & anr.
Vs.
The KMC & ors.

Mr. Sandipan Banerjee
Mr. S.G. Bhattacharya

..... for the KMC

Mr. Sakabda Roy
.... For the respondent Nos. 7 & 8

Mrs. Runi Chakraborty
Ms. Sahina Sumi

.... For the State

1. The report filed by the respondents is taken on record.
2. The present writ petition has been filed, *inter alia*, praying for an immediate action upon the respondent Nos. 7 and 8 to stop illegal construction at premises No. 33, Bhabani Dutta Lane, Kolkata 700 073 (hereinafter referred to as the "said premises"). Though the petitioner is not represented in Court today, Mr. Roy, learned advocate representing the respondent Nos. 7 and 8 would submit that initially an agreement for sale was entered into by and between the petitioners on one hand and the respondent Nos. 7 and 8 on the other. The said agreement for sale dated 6th June, 2023 has since been translated to a formal

conveyance, by virtue whereof the respondent nos. 7 and 8 have become lawful owners.

3. According to Mr. Roy since the property has now been purchased by the respondent Nos. 7 and 8, the cause of action for the writ petition no longer survives. The writ petition should be dismissed.
4. Mr. Banerjee, learned advocate representing the KMC has, however, placed before this Court a report in the form of an affidavit on behalf of the respondent Nos. 1,2,3,4 and 5. According to such report, a proceeding under Section 400(8) of the Kolkata Municipal Corporation Act 1980 (hereinafter referred to as the “said Act”) has already been initiated and subsequently an order has been passed for demolition of the unauthorized construction. This apart, the demolition program was partially executed twice first, in the month of April/May, 2024 and again on 3rd July, 2024. The report further records that subsequent inspection of the said property reveal that the person responsible has reconstructed the previously demolished portion hence, the demolition has to be re-fixed.
5. Mr. Banerjee, learned advocate would, however, submit that the demolition is yet to be completed as such he prays for appropriate directions from this Court so that the demolition work which had

already commenced should be brought to a logical conclusion.

6. Having heard the learned advocates appearing for the respective parties and on considering the materials on record, I am of the view that simply because the petitioner no longer wants to pursue the matter, same does not take away the rights of the municipal authorities to conclude the demolition proceedings which has been already initiated by them. Since unauthorised construction is a social evil, the municipal authorities are directed to bring the demolition proceedings to a logical conclusion and in this regard, the Joint Commissioner of Police (Headquarters), Lalbazar should take immediate steps and afford adequate assistance for the municipal corporation to carry out demolition process as per the request letter dated 15th April, 2024. It is expected that the demolition proceedings shall be completed in accordance with law at the earliest preferably within a period of 8 weeks from the date of communication of this order.
7. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)