

D/L.01.
August 26, 2025.
KAUSHIK

WPA No. 1261 of 2025

Md. Shahid Majeed Warsi @ Shahid Majid
& Anr.

Vs.

The Kolkata Municipal Corporation and
Others

Mr. Ranajit Kumar Roy
Mr. Krishna Deo Das
Ms. Tapti Majumder
... for the petitioners.

Mr. Vimal Kumar Shahi
Ms. Ina Bhattacharya
... for the KMC.

Mr. Nara Narayan Ganguly
Mr. Bhakti Prasad Das
... for the State.

The grievance of the petitioner is directed against illegal and unauthorized construction being carried out at premises no. 217, AJC Bose Road, Kolkata – 700 017.

On behalf of the petitioner, it is submitted that the petitioner is the owner of the subject premises and a suit has also been filed before the Learned District Judge at Alipore being Original Case No. 61 of 2021. The petitioner also alleges that there is a forged Will of Late Mirza Habibullah Khaleeli, who is alleged to be the original owner of the above premises. The petitioner also relies on a probate proceeding being Probate Case No. 365 of 2019 pertaining to the Will of late Mirza Habibullah Khaleeli. In this

background, the petitioner alleges to have an interest in the above premises both as Executor and beneficiary of the said premises.

The respondent no. 5 being the private respondent is unrepresented. The petitioner has been unable to demonstrate any service on the respondent no. 5.

On behalf of KMC, it is submitted that appropriate steps are being taken to respond to the letter dated 21st December, 2024 addressed by the petitioner.

In view of the fact that the right, title and interest of the petitioner is itself under a cloud and has not crystalized there is no question of granting any order in favour of the petitioner, at this stage of the proceeding. Diverse proceedings are pending insofar as the right, title and interest of the petitioner is concerned. It is obvious from the different pending proceedings that the petitioner has been unable to demonstrate any indefeasible or conclusive legal right insofar as the above premises is concerned.

In such view of the matter, the petitioner is not entitled to any reliefs at this stage.

WPA 1261 of 2025 stands dismissed.

KMC shall act in accordance with law and shall duly respond to the letter dated 21st December, 2024 within four weeks from date.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)