

D/L 6
10.07.2025
Rohit
ct.no.08

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA (P) 21 of 2021

**Sukha Chand Mitra & Ors.
Vs
The State of West Bengal & Ors.**

Mr. Rabindra Narayan Dutta
Mr. Ardhendu Nag
Mr. Dibakar Das
Mr. Arka Mukherjee
Mr. Soham Banerjee

...for the Petitioners

Mr. Jahar Lal De. Ld. A.G.P
Mr. Niltopal Chatterjee
Mr. Shamim Ul Bari

...for the State

Mr. Alok Kr. Ghosh
Ms. Sima Chakraborty

...for the KMC

1. The order passed by the Special Officer (Building), KMC in Demolition Case No. 15-D/B/I/21-22 dated 9th July, 2025 is placed for consideration.
2. It appears that from the report received by the borough concerned sudden infringements in the Building Rule 2009 was noticed and the area of unauthorized construction was assessed at 243.14 sqm. The order passed by the Special Officer (Building) on 9th July, 2025 is reproduced below:-

“Previously interim order has been passed requisition to submit ownership documents, Mutation Certificate, Deed of Conveyance etc on 05/06/2025. But till date documents are not submitted. This is an old existing building. It is reported that construction work has been made beside the existing building. In D/Sketch no property line is shown. The existing building is extended towards eastern side. No sanction plan/documents regarding legality of existing structure is provided in file. On the scheduled date of hearing Shib Shankar Dutta & Samir Kumar Dutta appeared. They pray for one month time for submission of required documents. No other parties appeared. But considering the gravity of the situation in compliance with the order of Hon’ble Court, I am inclined to pass order to demolish the structures shown in red colour in D/Sketch within a period of 30 days from the date of communication of this order taking all precautions measures on supervision of

ESE appointed by P.R. failing which action will be taken by department and cost will be recovered.

D/Sketch will be part and parcel of order.

Any person aggrieved by this order u/s 400(1) may be appeal against this order to Municipal Building Tribunal within stipulated time in accordance with the provision of KMC Act 1980.”

3. In absence of any appeal being preferred against this order to the Municipal Building Tribunal within a stipulated time the authorities concerned are directed to proceed forthwith for demolition of the unauthorized construction. The report filed by the Special Officer (Building) dated 9th July, 2025 is kept with the record.
4. Accordingly, the writ petition stands disposed of.
5. Urgent certified website copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)