

18.11.2025
Ct. 3
Item Nos.
ML 99
sayandeep

WPA 1269 of 2024

**Jayanta Mukherjee
Versus
State of West Bengal & Ors**

Ms. Gitika Mallick

..... for the petitioner

Mr. Jyoti Prakash Chatterjee

..... for the State

1. The writ petition has been filed, inter alia, praying for a direction upon the municipal authorities not to grant any sanction for any additional floor in respect of the premises No. 138A, Dr. Lal Mohan Bhattacharjee Road, Police Station- Entally, Kolkata (hereinafter referred to as the said property). Although the petitioner is not represented and an adjournment is being sought for, however, since Mr. Mukherjee, learned advocate representing the KMC by placing before this Court the report dated 10th November, 2025 would submit that the said property has already been inspected and further steps have been taken on the basis thereof, this Court has taken up this matter for consideration.
2. I find that the report reveals that an inspection has been conducted by the department in respect of the said property and during such inspection, it

was revealed that R.C.C. frame structure was constructed up to the 5th storey. Since the said property was sanctioned for construction vide sanction dated 10th June, 2022 for construction up to the 3rd floor, the additional construction having been found to be in deviation of the sanctioned plan and also noting that there had been other deviations, a stop work notice under Section 401 of the KMC Act, 1980 was issued on 29th November, 2023 and later a demolition order has been passed under Section 400(8) of the said Act on 29th December, 2023. Following the above and in compliance of the demolition order, the municipal authority has executed the order by carrying out the demolition work with police assistance from the Entally P.S. on 11th July, 2024.

3. Let a copy of the report filed by the municipality in Court today be taken on record.
4. Having regard to the above, I am of the view nothing survives in the writ petition, the writ petition is accordingly disposed of without any order as to costs.

(Raja Basu Chowdhury, J.)