

25.03.2025
Sl. No.87
Ct.3/ tkm

W.P.A. 3212 of 2025
[Md. Quasem Ali vs. State of West Bengal & Ors.]

Mr. Dipayan Kundu
Mr. Sujan Das
... .. for the petitioner

Mr. Vimal Kr. Shahi
Ms. Poushali Banerjee
... .. for the KMC

Mr. Rabindranath Basak
Ms. Bineeta Bhattacharjee
... .. for the State

1. Affidavit of service is taken on record.
2. The petitioner has preferred the present writ petition alleging unauthorized construction at premises no. 11/1 Topsia Road South, PO Gobinda Khatick Road, PS Topsia, Kolkata, allegedly at the behest of private respondent nos. 12 to 18.
3. It is the case of the petitioner that since 2010, he was solely running his business in the alleged premises being a legal occupier. The petitioner had a major brain stroke and consequently he became bed-ridden for quite some time and taking advantage of the petitioner's condition the above-mentioned private respondents along with the brother of the petitioner demolished the entire dilapidated tile shade and started illegal construction over the said alleged premises. Being aggrieved by the said action on the part of

the private respondents the petitioner submitted a complaint dated 29.04.2023 to the Local Councilor as well as the Officer-in-Charge, Topsia Police Station.

4. Learned counsel for the respondent municipality submits that the municipality has already inspected the property. Pursuant thereto, a stop work notice has already been issued. Furthermore, a notice for demolition has been served upon the petitioner. A copy of the stop work notice has also been forwarded to the local police station for necessary compliance and vigilance.
5. Learned counsel for the respondent further submits that subject to legal permissibility, appropriate steps including demolition of unauthorized structures shall be undertaken strictly in accordance with law within a period of 6 weeks from the date of communication of this order.
6. In view of the submissions made by the respondent authority, the petitioner submits that his grievances are satisfied.
7. In view of the above, this Court deems it appropriate to direct the respondent municipality to comply with the submissions made before this Court. The municipality shall initiate and

complete all necessary action, including demolition of unauthorized construction if warranted in law, within a period of six weeks from the date of communication of this order.

8. With the above direction, the present writ petition is disposed of.

(Gaurang Kanth, J.)