

13.08.2025
Sl. No. 11
Ct No. 3
tkm

WPA 3811 of 2025

**Abdul Murshid
Vs
Kolkata Municipal Corporation & Ors.**

Mr. Ayan Banerjee,
Mr. Gourav Dutta.
...for the petitioner

Mr. Biswajit Mukherjee,
Ms. Gulnaz Quraishi.
...for KMC

Mr. Aniket Mitra,
Mr. Sumanta Sen
...for respondent no. 3

1. The petitioner had preferred the present writ petition seeking demotion of illegal structure made on the ground floor at premises no. 19B Nasuiruddin Road, P.O Circus Avenue, P.S Beniapukur, Kolkata.
2. It is the case of the petitioner that the private respondent had covered the parking space in violation of sanctioned building plan.
3. He submits that the private respondent has been carrying out commercial activity by running a restaurant in the name and style of 'Golden Bowl' a Chinese Restaurant from the said premises which does not permit any commercial activity as the said property is a residential property.

4. Learned counsel for the petitioner submits that the activity carried out by the private respondent is in contravention of the KMC Rules and Regulation and that no commercial activity can be carried out from the said property.

5. Learned counsel for the respondent corporation filed a report in the form of affidavit wherein they have stated that a work stop notice dated 23.6.2025 under section 401 of the KMC Act 1980 has already been served upon the private respondent to stop all commercial activities and Beniapukur police station has been intimidated about the said work stop notice.

6. Learned counsel for the private respondent submits that they have made an application for regularization of the unauthorized construction on 14.7.2025.

7. He further submits that the said application is still pending and a reminder was also sent on 3.10.2025 to decide petitioner's application for regularization of the proposed building plan submitted before the Corporation.

8. Learned counsel for the private respondent on instruction from Amir Ali, son of the proprietor 'Golden Bowl' who is present in Court submits that they will comply with the order passed by the respondent Corporation and shall not carry out any commercial

activity till their application for regularization is decided by the respondent Corporation.

9. In view of the submissions made by the learned counsel for the parties, this court directs the respondent corporation to decide the application of the private respondent dated 14.7.2025 within a period of two weeks, strictly in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the private respondent or any other stakeholder, by way of a speaking order.

10. Learned counsel for the petitioner at this stage submits if the private respondent admits that he will not carry out any commercial activity from the said property till disposal of the application for regularization, his grievances will be redressed.

11. In view of the said development, nothing survives in the present writ petition and the same is disposed of in the above terms.

(Gaurang Kanth, J.)