

16.05.2025
Sl. No. 06
Ct No. 3
SG

WPA 4094 of 2025

**Sk. Mohammad Arshad Hussain
Vs
The State of West Bengal & Ors.**

Mr. Saifur Rahaman.
...for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra.
...for KMC

Mr. Tapas Adhikary,
Mrs. U. Pal (Samanta).
...for state

Mr. S.P. Lahiri,
Md. N. Rahber,
Md. Jawawad,
Mr. R. Amin.
...for respondent nos. 8, 9, 11, 12

1. The petitioner has preferred the present writ petition being aggrieved by the unauthorized construction, being carried out at premises no. 12/H/44, Bedford Lane, P.S. – Park Street, Kolkata – 700016.

2. It is the case of the petitioner that respondent nos. 8 to 12 have carried out unauthorized construction on the 3rd floor and 4th floor of the said premises in question. It is the further contention of the petitioner that the construction materials used for the illegal floors are substandard and has damaged the structural stability of the building.

3. A report in the form of affidavit has been filed by the Commissioner, Kolkata Municipal Corporation which indicates that a departmental proceeding has been initiated against the unauthorized construction. Moreover, a notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 has been duly issued. The report further indicates that, despite notice the concerned parties have failed to furnish any sanctioned building plan and thus, the construction in question has been unequivocally found to be without any valid sanctioned plan.

4. Upon due consideration of the report submitted by the corporation, learned counsel for the petitioner submits that the petitioner is satisfied with the actions thus far undertaken by the respondent corporation and acknowledges that the corporation has initiated appropriate proceedings in consonance with the due process of law.

5. In view of the aforesaid submission and considering the steps taken by the Kolkata Municipal Corporation in accordance with law, this Court is of the considered view that the grievance raised in the writ petition stands adequately addressed.

6. Accordingly, the present writ petition is disposed of with the direction that the respondent corporation shall expeditiously conclude the pending

proceedings strictly in accordance with law and ensure compliance of the statutory mandate.

7. Report is kept on record.

8. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)