

17.06.2025.
Item No. 16.
Court No. 13
ap

M.A.T. No. 301 of 2023
With
I.A. No. CAN 1 of 2023
And
I.A. No. CAN 2 of 2023
And
I.A. No. CAN 3 of 2025

Jamshed Hossain
Versus
Kolkata Municipal Corporation & Ors.

Mr. Sounak Bhattacharya,
Mr. Tirthankar Mukherjee,
Ms. Madhurima Sarkar,
Ms. Urmi Biswas,
Mr. Sounak Mondal.

...For the appellant.

Mr. Alok Kumar Ghosh, Id. Sr. Advocate
Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya.

...For the KMC.

Mr. Prosenjit Mukherjee,
Mr. Jahangir Hossain,
Ms. Monisha Mondal.

...For the proposed added respondent.

1. Affidavit-of-service filed in Court today be taken on record.

Re: CAN 3 of 2025 (Addition of Party)

2. CAN 3 of 2025 is an application for addition of party filed by another writ petitioner, who was complainant against the unauthorized construction.

3. Since this Court finds that the said applicant in CAN 3 of 2025, namely, Sahin Rahman, is a necessary and proper party in the proceedings, let Sahin Rahman be added as a party respondent in the instant proceedings.

4. CAN 3 of 2025 is allowed and disposed of.

Re: M.A.T. 301 of 2023

5. Learned Senior Counsel for the Corporation, Mr. Alok Kumar Ghosh, has placed instructions of the Mayor-in-Council dated 19th October, 2022, which is taken on record by the earlier Bench of this Court.

6. Admittedly, unauthorized construction was going on without any sanction whatsoever from the Kolkata Municipal Corporation.

7. A five storied structure has been erected by the writ petitioner.

8. Since admittedly there is no sanction for the unauthorized construction, the invocation of Section 400(8) of the Kolkata Municipal Corporation Act, 1980 has been rightly done. The question of staying demolition of a construction that has made completely unauthorized and without any sanction plan, does not and cannot arise.

9. There was a stop work notice issued by the Corporation which is not adhered to by the appellant.

10. The Corporation shall take immediate steps to demolish the unauthorized construction and recover the costs thereof from the appellant.

11. For the reasons stated hereinabove, M.A.T. No. 301 of 2023 shall stand dismissed.

12. In view of dismissal of the appeal itself, all the pending connected applications are dismissed.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)

(*Ajay Kumar Gupta, J.*)