

Sl. No.14
10.03.2025
Suman
Ct. 15

WPA 4464 of 2025

Sujoy Ghosh
Vs.
The State of West Bengal and Ors.

Mr. Arup Krishna Das
..for the petitioner

Ms. Tuhina Parvin
..for the State

Mr. Sandipan Banerjee
Ms. Debangana Dey Nayak
..for KMC

Despite the service of notice, Mr. Amitava Roy
and Mr. Manjul Halder have not been represented.

The report filed by the Corporation shall be
retained in the records.

A demolition proceeding was initiated against
the petitioner for “covering the open space by
erecting brick work at ground floor for using as
residential purpose and for converting pump room
into Toilet in deviation from B.S. Plan
no.2002130065 dtd: 10th May, 2002.”

However, the Special Officer (Building) of the
Kolkata Municipal Corporation, by an order dated

February 27, 2017, directed the regularization of the construction subject to the following conditions:

“that no order is passed for demolition of such unauthorised construction or stopping of such impugned change of use and thereof as described in the precis and in the demolition sketch, of course subject to comply with certain preconditions, within 30 days from the date of communication of this order. Those conditions are:-

- (1) P. R. must furnish an affidavit declaring on oath that he will not make any unauthorised construction or unauthorised change of use whatsoever in the impugned premises without prior sanction from the KMC authority.*
- (2) he must produce a certificate from any KMC panelled structural Engineer certifying that the structural stability and the foundation of the impugned construction are safe and sound and the materials used as well as workmanship are as per the latest edition of NBC of India.*
- (3) he must furnish a statement (in original) duly signed by all the apartment owners including two Complainants, Mr. Amitava Roy and Mr. Manjul Haldar stating that the issue of pump room in respect to proportionate share has been resolved once for all and they have no objection to using it as W.C. by the P.R. and*
- (4) he must pay the necessary retention charges for such construction and the change of use to the KMC as calculated by the department in a separate sheet of paper attached and supplied with this final order.”*

It is acknowledged by the Corporation that, with the exception of Clause (3), all other conditions

of the order dated February 27, 2017, have been complied with by the petitioner.

The learned advocate for the petitioner submits that he was unable to obtain the required statement from Mr. Manjul Haldar, as he has already vacated the premises. Furthermore, Mr. Amitava Roy, who is the Secretary of the Association, is unwilling to provide the documents as required by the Corporation.

The order for regularisation has not been challenged by any party till date.

In light of the foregoing, I am of the view that the Corporation is, in principle, prepared to regularise the unauthorised construction, and the petitioner has paid the requisite fees for the same. Therefore, the "no objection" from Mr. Amitava Roy, as Secretary of the Association, Mr. Manjul Haldar, is not essential.

Accordingly, this writ petition is disposed of, and the demolition notice dated February 12, 2025, issued by the Kolkata Municipal Corporation is hereby set aside.

Accordingly, **WPA 4464 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)