

28.03.2025  
Sl. No. 121  
Ct No. 3  
SG

**WPA 4841 of 2025**

**Sudhir Mallick  
Vs  
The State of West Bengal & Ors.**

Mr. Amritam Mandal,  
Ms. S. Naskar,  
Ms. J. Rudra,  
Mr. N. Chowni.

...for the petitioner

Mr. Alok Kumar Ghosh,  
Mr. Atis Kumar Biswas,  
Mr. Srijan Nayak,

...for KMC

Mr. Srijan Nayak,  
Mrs. Rituparna Maitra,  
Mr. Debjit Mukherjee,  
Ms. Susmita Chatterjee.

...for the State

1. Report filed by the State is kept on record.
2. The petitioner has preferred the present writ petition alleging unauthorized construction at premise bearing No. 207, Mahatma Gandhi Road, K.M.C. Ward No. 115, Kolkata – 700041. It is the case of the petitioner that he was a partner with a firm where they had undertaken to develop the present property. Subsequently dispute arose between the partners. The petitioner further submits that after the said development, the other partner in collusion with certain residents has indulged in illegal and unauthorized construction. Though this is a matter of personal dispute between the parties and this Court

was not inclined to interfere with it, since the issue also relates to public law wherein illegal and unauthorized construction is being carried out on the abovementioned property, this Court is of the view that it requires consideration.

3. Mr. Ghosh who appears for the respondent-municipality hand over the instructions wherein it is stated that an inspection was conducted and a comprehensive report was submitted before the higher authorities including the D.G.(B). The case is being processed under Section 400(1) and 416 of KMC Act, 1980. In furtherance of the said proceeding, notices has been issued under Section 400(1) and 416 of KMC Act, 1980 and the same has been served upon the recorded owners and the corporation has affirmed its commitment to pursuing the matter to its logical conclusion in accordance with law.

4. In view of the said statements and report being filed before this Court, the learned Counsel for the petitioner states that he is satisfied with the stand of the corporation.

5. A copy of the said report is also handed over to the learned Counsel for the petitioner.

6. In view of this, the present writ petition is disposed of with a direction to the respondent-KMC to proceed strictly in accordance with law and to bring

the said ongoing proceedings to its logical conclusion in terms of the relevant provisions under the KMC Act.

7. There shall be no order as to costs.

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

**(Gaurang Kanth, J.)**