

17.04.2025
Item No.11
PG/KS
Ct. No.1

W.P.A.(P) 80 of 2025
Miss. Shagufta Sulaiman
Versus
The Kolkata Municipal Corporation & ors.

Ms. Shagufta Sulaimanpetitioner (In person)

Mr. Sk. Md. Galib

Ms. Priyamvada Singh.....for the State

Mr. Alok Kr. Ghosh

Mr. Subhrangshu Panda.....for the Kolkata Municipal
Corporation

Mr. Raghunath Chakraborty

Ms. Amrita De

Ms. Mohona Das.....for the respondent no. 12

1. This writ petition has been filed as a public interest litigation by the petitioner appearing in person praying for a direction upon the respondents to take action against the illegal construction, which has been raised by the private respondent in the area in question. The petitioner also seeks for certain other directions upon the Councillor of the Municipal Corporation, which cannot be considered.
2. On the last occasion, a direction was issued to the Executive Engineer of Kolkata Municipal Corporation to file a report in the form of an affidavit along with relevant documents. The report in the form of an affidavit has been filed along with enclosure. From the enclosure, it is seen that the Special Officer (Building) has passed an order on June 3, 2024 permitting the private respondent to retain the structure on payment

of fees under section 400 (1) of the Kolkata Municipal Corporation Act, 1980 (hereafter 'the Act') within 30 days from the date of communication of the order, failing which action will be taken by the department. Further, it has been stated that Observation/NOC from WBF & ES is to be submitted before issuing a demand notice and gift of strip of land must be thrown.

3. The private respondent had agreed before the authorities proposing to gift a strip of land for widening the road on both sides of the road for the benefit of public and the total area gifted was 14.467 sq.m.
4. The report in the form of affidavit has not mentioned as to whether those conditions contained in the order dated June 3, 2024 has been complied with.
5. So far as the petitioner is concerned, if she is aggrieved by such an order, then the Act provides for an appellate remedy and any person aggrieved by the order passed under section 400(1) of the Act may file an appeal before the Municipal Building Tribunal.
6. We leave it before the petitioner to exercise such remedy, if so advised.
7. The Special Officer (Building) shall ensure that the private respondent complies with the direction issued in the order dated June 3, 2024. If not done so, then action should be taken and the benefit of the order will not enure in favour of the private respondent and it will not be entitled to retain the structure.

8. However, any action to be taken will be subject to the outcome of the appeal, which may be preferred by the petitioner, if she desires to do so.
9. With the above observations, the writ petition is disposed of.
- 10.No costs.
- 11.Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)