

21.11.2025
Ct. 3
Item No.
AD 3
Saswata

WPA 10248 of 2024
CAN 1 of 2025
Snehasish Biswas
Versus
The Mayor, Kolkata Municipal Corporation & Ors.

Mr. Hemanta Kumar Das
Mr. Agniv Sinha

... For the petitioner

Mr. Sandipan Banerjee
Ms. Manisha Nath

...For the KMC

Mr. Himadri Sikhar Chakraborty

...For the State

Mr. Achin Jana
Mr. Prasenjit Ghosh
Mr. Bhaskar Dalui
Ms. Chetna Rustagi

...For the respondent nos. 6 to 14

1. Affidavit of service filed in Court today is retained with the record.
2. The present writ petition has been filed, complaining unauthorized construction at premises no.155 Dakshin Para Road, Ward no. 125 P.S. Thakurpukur, South 24 Parganas, Kolkata- 63. The connected application being CAN 1 of 2025 has been filed, inter alia, praying for appropriate orders.
3. The learned advocate appearing for the petitioner submits that during pendency of the writ petition the illegal construction work is going on in full swing. Photographs have also been placed to demonstrate that a new

construction is taking place on the first floor of the building in question.

4. Mr. Banerjee, learned advocate appearing for the Kolkata Municipal Corporation places before this Court a report dated 20th April 2024. He submits that upon receiving the petitioner's complaint the municipal authorities had inspected the concerned site on 19th April 2024 and found that construction of a one storied brickwork structure with corrugated tin shed was being done over the existing one storey structure without sanctioned building plan and accordingly, a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the "said Act") was served on the person responsible ,i.e., Pranab Kumar Das and others on 19th April 2024. Steps have also been taken under Section 400 of the said Act.

5. Heard the learned advocates appearing for the respective parties. Though, the learned advocate appearing for the respondent nos. 6 to 14 seeks for an adjournment, however, taking into consideration the petitioner's case that the respondent nos. 6 to 14 are proceeding with the illegal construction, I direct the municipal authorities to immediately take steps to arrest

the illegal construction that is being carried out at the locale, and if, illegal construction is found, to remove the same in accordance with law.

6. From the report it would transpire that construction work also does not have any sanction from the municipal authorities. Taking note of the fact that proceeding under Section 400 of the said Act has been initiated, I am of the view that such proceeding should be brought to a logical conclusion at the earliest not later than 6 weeks from the date of communication of this order. If necessary, the municipal authorities shall be at liberty to seek adequate police assistance and if such assistance is sought for, the officer-in-charge of the local police station shall provide for such assistance.
7. With the above direction and observation, the writ petition along with its connected application being CAN 1 of 2025 is disposed of.
8. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)