

18.08.2025.
Item Nos. 59.
Court No. 13
pk

**F. M. A. 820 of 2025
With
CAN 1 of 2025**

**Md. Shaquib
Versus
State of West Bengal and others**

Mr. Subhajit Mukherjee,
Mr. S. Kumar Mondal
... For the appellant.

Mr. Biswajit Mukherjee,
Mr. Atish Kumar Biswas
... For the Kolkata Municipal Corporation.

Mr. Sandip Mondal
... For the State.

Mr. B. Giri,
Mr. Badal Singh,
Mr. Dhiman Banerjee
... for the respondents no. 13 and 14.

1. The instant appeal is directed against an order dated 02.04.2025 whereby the Single Bench found that the appellant was using the writ court to unleash a personal vendatta.

2. The brief facts of the case are that the appellant booked a portion of the second floor of the building which has a sanctioned plan of G+2.

3. Disputes and differences thereafter cropped up between the appellant, the landlord and/or the promoter. The appellant found that against the sanctioned of G+2, a construction has been effected on a premises measuring about G+4.

4. The Single Bench, however, found that the appellant had no locus and was a busy body.

5. The Court also found that the petitioner was lying quiet for a period of 13 years after the construction of the unauthorized two further floor on the premises.

6. While it may be true that the writ petitioner/appellant was guilty of gross inordinate delay in approaching the Court, to say that the petitioner/appellant was an interloper would be rather harsh. The appellant had an interest in a portion of the second floor which he booked and paid for.

7. Any construction outside the second floor is in violation of the sanction plan issued by the KMC is ex facie illegal.

8. In those circumstances, this Court directs the KMC to take urgent and immediate steps to deal with unauthorized third and fourth floors of construction on the subject premises in accordance with law.

9. It is expected that the KMC shall take steps directed herein above within a period of 10 weeks from date.

10. With the aforesaid observations, the instant appeal is disposed of. Consequently, connected pending application being CAN 1 of 2025 is also disposed of.

11. There will be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)