

ADSL1

14-05-2025

AKG

Ct. 15

WPA 10824 of 2025
Md. Sultan Hossain Laskar
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Sumitava Chakraborty,
Mr. Zohaib Rauf,
Ms. Bratati Pramanick

...for the Petitioner

Mr. Subhrangsu Panda,
Mrs. Ujani Pal (Samanta)

...for KMC

It appears that a portion of the relevant premises has already been demolished following proceedings initiated by the Kolkata Municipal Corporation vide Memo No. M-33.45 dated September 29, 2023, under Section 400(8) of the Kolkata Municipal Corporation Act, 1980.

The learned advocate appearing for the Corporation submits that, as of the present date, only a G+1 storied building remains, which conforms to the plan sanctioned by the Kolkata Municipal Corporation. He further submits that these facts are reflected in the order passed by a Co-ordinate Bench of this Court on October 11, 2023, in WPA 24343 of 2023 (*Md. Sultan Hossain Laskar & Ors. vs. The Kolkata Municipal Corporation & Ors.*).

Mr. Subhrangsu Panda, learned advocate for the Kolkata Municipal Corporation, submits that the Corporation has detected some remaining unauthorised

constructions that were not demolished during the earlier proceedings. As a result, the Corporation has taken steps for the demolition of the remaining unauthorised portion of the building.

I am of the opinion that, after a lapse of more than one and a half years, the Corporation cannot proceed solely based on the proceedings initiated by the Memo dated September 29, 2023, under Section 400(8) of the Kolkata Municipal Corporation Act, 1980.

Accordingly, I restrain the Corporation from executing any further demolition work based on the earlier proceedings under Section 400(8) of the Kolkata Municipal Corporation Act, 1980. Should the Corporation wish to proceed with further action, it must issue a fresh notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 to the petitioner.

Accordingly, **WPA 10824 of 2025** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)