

25.07.2025

Sl. No.75

Ct. No.15

Suman

WPA 16752 of 2025

Ashfaque Ahmed

Vs.

Kolkata Municipal Corporation and Ors.

Mr. Avirup Chatterjee
Mr. Sumitava Chakraborty
..for the petitioner

Mr. Barin Banerjee
Ms. Ina Bhattacharya
...for KMC

The petitioner admittedly claims to be the developer of a construction situated at 27, Robert Street (now Mohim Chandra Das Sarani), P.S. Bowbazar, Kolkata-700012.

It is not in dispute that the petitioner had obtained a sanctioned building plan for a G+4 storied structure.

The petitioner alleges that the Kolkata Municipal Corporation issued a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980. Upon receipt of the said notice, the petitioner ceased further construction at the aforementioned premises.

The Corporation contends that certain deviations have been made by the petitioner from the sanctioned plan. It is further submitted that a portion of the unauthorised construction has already been demolished.

In view of the fact that a stop-work notice was issued as early as April 2, 2024, and considering the nature of the alleged unauthorised construction, this Court is of the opinion that the Corporation ought not to have invoked the provisions of Section 400(8) of the Kolkata Municipal Corporation Act, 1980 for carrying out the demolition. The circumstances, as presented, do not indicate any urgency that would justify the invocation of Section 400(8).

Accordingly, the demolition order dated July 3, 2024, initiated by the Corporation under Section 400(8) of the Kolkata Municipal Corporation Act, 1980, in respect of the concerned building, are hereby set aside.

However, the Corporation shall be at liberty to initiate fresh proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980, in accordance with law, and shall conclude such proceedings within a period of three months from the date of this order.

Accordingly, **WPA 16752 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)