

04.11.2025
sayandeep
Sl. No. 32
ML
Ct. No. 03

WPA 16833 of 2025

Munna Mondal
Vs.
Kolkata Municipal Corporation & ors.

Mr. Avirup Chatterjee
Mr. Sumitava Chakraborty
Mr. Rishav Das

....for the petitioner

Mr. Atis Kumar Biswas

..... for the KMC

1. The petitioner complaining over-action on the part of the municipal authorities in proceeding to take steps by issuing a notice under Section 400(8) of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the said Act) has approached this Court. A sanctioned plan has also been disclosed by the petitioner in respect of the premises No. 2C, Sita Kanta Banerjee Lane, Kolkata- 700 005, Ward No. 8, Borough-I, Shyampukur P.S. under the KMC.
2. According to the above plan bearing No. 2022010024 dated 21st May, 2022, the same has been sanctioned for construction of G+1 storied building. From the report filed by the municipal authorities in Court today, it transpires that the petitioner has already constructed additional two floors above the sanctioned two storied residential building with cantilever projections from the 1st floor level to roof

level, in deviation from the sanctioned building plan as aforesaid. Accordingly, the department had initially issued stop work notice under Section 401 of the said Act on 25th March, 2025 to the person responsible. Subsequently, police intimation was sent to the Shyampukur police station on the same date. Notwithstanding the above, the person responsible had again resume construction defying stop work notice as mentioned above and accordingly FIR under Section 401(A) of the said Act, was lodged against the person responsible dated 28th April, 2025. On 6th May, 2025 and 7th May, 2025 demolition program was scheduled accordingly the 2nd and the 3rd floor have been demolished.

3. Let a copy of the report as placed by the KMC be taken on record.
4. Having heard the learned advocate for the parties and considering the materials on record, I notice that the writ petition has been filed by suppression of material facts. The conduct of the petitioner does not justify any equitable relief. It is well settled that illegal construction is a social evil. Accordingly, I direct the municipal authorities to take immediate steps for demolition and removal of the illegal construction. The municipal authorities must remove the illegal construction which has been carried out by the petitioner without the sanctioned building plan so that the property cannot be reconstructed illegally on

the existing structure. The demolition proceeding must be brought to a logical conclusion in accordance with law as expeditiously as possible preferably within a period of 10 weeks from the date of communication of this order.

5. With the above observations and directions, the writ petitioner is disposed of.

(Raja Basu Chowdhury, J.)