

08.04.2025
Sl. No. 28
Ct No. 3
SG

WPA 18724 of 2024

**Anusree Pal & Ors.
Vs
Kolkata Municipal Corporation & Ors.**

Mr. Asim Kumar Routh,
Mr. Subhayan Barik.
...for the petitioners

Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya.
...for KMC

Mr. Pranay Agarwal,
Mr. Dilawar Khan,
Mr. A.M. Jnino
...for respondent no. 11-13

Ms. Mitali Mukhopadhyay,
Ms. Subhasri Chatterjee.
...for the State

1. The petitioners have preferred the present writ petition alleging the unauthorized construction being carried out at premises no. 10/C, Bankim Chatterjee Street, P.S. Amherst Street, Kolkata, purportedly by private respondent nos. 12 and 13.
2. It is the case of the petitioners that they are the lawful owners of the said premises, which had been let out to the private respondents herein. Allegedly, without obtaining any sanctioned building plan or requisite permissions from the competent authorities, the private respondents commenced unauthorized

construction on the subject premises. The petitioners have preferred a civil suit being T.S. 866 of 2024 before the City Civil Court at Calcutta, seeking eviction of the private respondents. In the same suit the petitioners had filed an application for injunction to restrain the defendants to carry out any unauthorized construction. The Civil Judge, City Civil Court, Calcutta by order dated 21.05.2024, had passed an order restraining the defendants from carrying out any unauthorized construction in the suit premises. For the purpose of the compliance of the said order dated 21.05.2024 the petitioners intimated the same to the respondent no. 11 as well as to the concerned police authorities but the concerned authorities did not take any steps regarding the same. Since the respondent nos. 12 and 13 were raising their illegal construction without any permission and/ or approval of the concerned authorities of the Kolkata Municipal Corporation, on 06.07.2024, the petitioners have lodged a complaint before the corporation. Pursuant to the complaint lodged by the petitioners on 06.07.2024, the concerned authority of the Kolkata Municipal Corporation issued a stop work notice dated 17.07.2024 under Section 401 of the Kolkata Municipal Corporation Act, 1980, inter alia, directing the respondent nos. 12 to 13 to stop all construction

work including all addition and alteration at the premises of the petitioners. It was further contended that the concerned authority of the Kolkata Municipal Corporation also lodged an FIR under Section 401A, of the Kolkata Municipal Corporation Act, 1980 with the concerned Police Station against the respondent nos. 12 and 13 for carrying out such illegal and unauthorized construction at the premises of the petitioners.

3. Learned Counsel for the petitioners submits that despite the issuance of the said stop work notice, no effective steps have been taken by the Municipal Authorities to enforce compliance and the private respondents continue with the illegal construction in violation of the injunction and municipal corporation.

4. Learned Counsel for the respondent-Kolkata Municipal Corporation submits that the corporation is ready and willing to consider petitioners' representation dated 06.07.2024.

5. Learned Counsel for the petitioners states that his clients shall be satisfied if the same is decided within a time bound manner.

6. In light of the submissions made by the parties at bar, this Court directs the Kolkata Municipal Corporation to decide the petitioners' representation within a period of four weeks from the date of

communication of this order after affording an opportunity of hearing to the petitioners as well as the private respondents by way of a speaking order.

7. Further the Officer-in-Charge, Amherst Street Police Station is directed to ensure that no further unauthorized construction is carried out at the said premises and the stop work notice dated 17.07.2024 is strictly complied with.

8. With the above directions, the present writ petition is disposed of.

9. This Court makes it clear that despite the issuance of the said stop work notice over a year ago, no decisive action has been taken by the concerned authorities. It is therefore, reiterated that the directions contained herein must be complied with scrupulously and any deviation shall be viewed seriously.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. There shall be no order as to costs.

12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)