

05.05.2025
Sl. No.43
Ct.3/ tkm

W.P.A. 20376 of 2024
[Maimuda Bibi @ Fency vs. State of West Bengal & Ors.]

Mr. Imtiaz Ahmed
Mrs. G Firdaus
Mr. M Islam
Mr. Sk Saidullah
Mr. M Mondal
Mr. Md. Arsalan

... .. for the petitioner

Mr. Sarvesh Ch. Shrivastava
Mr. Tapan Roy

... .. for the State

Mr. Atis Kr. Biswas
Mrs. Ujani Pal (Samanta)

... .. for KMC

1. Affidavit of service is taken on record.
2. Despite service nobody appears for the private respondents.
3. Report submitted by Kolkata Municipal Corporation is taken on record. Copy of the same has also been given to the learned counsel for the petitioner.
4. The petitioner has preferred the present writ petition, seeking demolition of unauthorized illegal construction raised by the private respondents on 'Bastu' land of petitioner being old plot dag no. 49 and 50 Khatian NO. 30 JL no. 655 PS Rajabagan, District South 24 Parganas Ward no. 141.
5. Petitioner alleges that private respondents are raising illegal and unauthorized construction

without any sanctioned building plan. He further submits that the said construction has created difficulties in his lawful egress and ingress since he stays in the adjacent premises. It is also contended that such construction infringes upon the petitioner's proprietary rights and violates building regulations.

6. Learned counsel for the respondent KMC submits that a site inspection was conducted by the municipal authority on 3.9.2024. During inspection it was found that two buildings have been constructed at premises no. Z-3/26, Bagdi Para Road, Kolkata, Ward 141, one is two storied structure and other is a three storied structure, both of which were found to have been raised without sanctioned building plans.
7. It is further submitted that the KMC has already initiated proceedings under section 400 of the KMC Act 1980, to take appropriate remedial measures against the said unauthorized construction.
8. In view of the above mentioned submissions, learned counsel for the petitioner expresses satisfaction, noting that the KMC has taken cognizance of the complaint and has commenced proceedings in accordance with law as provided under the relevant provisions of KMC Act.

9. This Court records its expectation that the Kolkata Municipal Corporation shall pursue the matter with due diligence and expedition, culminating in the passing of a reasoned order under the applicable provisions of law, including if necessary demolition of such unauthorized structures. The entire process shall be concluded at the earliest.

10. With the above direction, the present writ petition is disposed of.

(Gaurang Kanth, J.)