

27.10.2025
Item No.37
Ct. No.1
Saikat
Mukherjee

WPA(P)/356/2025

**NASIRUDDIN MOLLA
VS.
THE KOLKATA MUNICIPAL CORPORATION AND ORS.**

Mr. Indrajit Bhattacharjee, Adv.
...For the Petitioner

Mr. Amitabrata Ray, G.P.
Mr. Nilotpal Chatterjee, Adv.
Mr. Arkadipta Sengupta, Adv.
...For the State Respondent

Ms. Gulnaz Quraishi, Adv.
...For the KMC

Mr. Abdul Zahid, Adv.
...For the Respondent Nos.8 to 11

1. Heard the learned counsels appearing through their respective parties.
2. Affidavit-of-service filed is taken on record.
3. The petitioner is the local person of the area in question. The main grievance is against the private respondents who have constructed an iron gate blocking the passage approaching the public drain. It is also alleged that the land used by the private respondents is not a private land. Secondly, it is also alleged that the sole purpose for construction of the gate is to protect an unauthorized construction of a building which is in progress.
4. Being aggrieved, they have lodged a complaint before the local police station being G.D. Entry

No.467 dated 6th March, 2025, but till today the complaint lodged by the petitioner has not been taken into consideration by the local police station.

5. Learned counsel for the Kolkata Municipal Corporation authority submits and files an instruction dated 5th September, 2025, of Respondent No.6 from which it appears that a stop work notice under section 401 of the Kolkata Municipal Corporation Act (hereinafter referred to as 'the said Act') has been issued and served on 2nd September, 2025 to the private respondents. The same has been intimated accordingly to the police authorities to stop the further progress of the unauthorised construction of the building. The demolition proceeding has also been initiated under section 400 of the said Act.
6. In view of the above, Respondent No.6 is directed to complete the entire process of demolition which has been initiated under section 400 of the said Act, 1980, within a period of 90 days from the date of communication of this order and to take all necessary steps in accordance with law.
7. The second issue involved in the writ petition with regard to the removal of drain from the premises in question, the petitioner is directed to make a comprehensive representation within a fortnight before the Respondent No.4. The Respondent No.4 shall consider and dispose of the

same within 90 days upon affording opportunity of hearing to all the interested parties and pass a reasoned order in accordance with law and thereafter, the said order shall be communicated accordingly to the interested parties.

8. It is also made clear, if the authorities concerned find any illegality with regard to construction of the drain in question, shall take steps forthwith in accordance with law.
9. With the aforesaid direction the writ petition is disposed of.

[SUJOY PAUL, CJ (ACTING)]

(SMITA DAS DE, J.)