

03.11.2025
Ct. 3
Item No.
AD 9
Saswata

WPA 20603 of 2025
Sabyasachi Mukherjee
Versus
Kolkata Municipal Corporation & Ors.

Mr. Sayan Sinha
Mr. Joyjeev Medhi

... For the petitioner

Mr. Srijan Nayak
Mr. Atis Kumar Biswas

... For the KMC

Mr. Swarup Banerjee
Mr. Sajal Kr. Ghosh
Mr. Arindam Chatterjee
Mr. Subham Biswas

...For the respondent nos. 2 and 3

1. The instant writ petition has been filed by the petitioner challenging the action of the municipal authorities in demolishing the unauthorized structure. It is an admitted position that the petitioner was carrying out construction on a plot of land situated at 82 Laskarhat, Kolkata – 700039, without any sanction plan. The plot of land is situated within the municipal limits of Kolkata Municipal Corporation.
2. According to the petitioner no notice under Sections 401 or proceedings under Section 400 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the “said Act”) had been served or stated against the petitioner. The petitioner would contend that for the municipality to demolish the petitioner’s property, appropriate procedure ought to have been followed. The same was not complied with.

3. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, I find that the petitioner admittedly has carried out unauthorized construction. It is well settled that unauthorized construction is a social evil and if the municipal authorities have taken recourse to the provisions of the said Act and demolished the same, the petitioner cannot have any locus to challenge the same, especially when the petitioner has approached this Court praying relief against such demolition, without having any sanctioned building plan.
4. The petitioner cannot be permitted to seek equitable relief to perpetuate illegality by invoking extraordinary jurisdiction of this Court. Accordingly, the writ petition is dismissed with costs of Rs.10,000/- to be paid by the petitioner to the Calcutta High Court Legal Services Committee.
5. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)