

24.09.2025
Sl. No. 23
Ct No. 3
SG

WPA 23368 of 2025

**Shakil Anwar
Vs
Kolkata Municipal Corporation & Ors.**

Mr. Avirup Chatterjee,
Mr. Rishov Das.

...for the petitioner

Mr. Fazlul Haque,
Mrs. Ina Bhattacharyya.

...for the KMC

1. Affidavit-of-service is taken on record.
2. The petitioner has preferred the present writ petition on the apprehension that the respondent-Corporation has passed a demolition order invoking Section 400(8) of the Kolkata Municipal Corporation Act, 1980, in respect of the premises situated at. 55, Mofidul Islam Lane, P.S. Beniapukur, Kolkata.
3. It is the case of the petitioner that he is the developer of the abovementioned premises and is raising construction strictly in terms of the sanctioned building plan for a G+2 storied residential building. He further states that the owner of the building had obtained a building sanctioned plan vide Building Permit No.2023060051 dated 11.10.2023. In order to develop the said premises, he had entered into a development agreement with the petitioner dated 01.07.2024. He

further submits that a notice under Section 400(1) of the KMC Act has already been issued.

4. Apprehending, in good faith, that the Respondents are now contemplating action under Section 400(8) of the said Act, the Petitioner has been constrained to approach this Court by way of the present writ petition.

5. Mr. Fazlul Haque, learned Counsel for the respondent-KMC appears upon instruction from his client that no order under Section 400(8) of KMC Act has been passed as on date, nor have any proceedings under Section 400(8) of the Act been initiated.

6. In view of the submissions made, this Court is of the considered view that the present writ petition is premature. Accordingly, the writ petition stands dismissed and granting liberty to the petitioner to approach this Court at the appropriate stage, in accordance with law.

(Gaurang Kanth, J.)