

22.09.2025
Sl. No. 9
Ct No. 3
SG

WPA 23354 of 2023
Tathagatha Chowdhury
Vs
The Kolkata Municipal Corporation & Ors.

Mrs. Priyanka Sarkar.
...for the petitioner

Mr. Srijan Nayak,
Mrs. Riturparna Maitra.
...for KMC

Ms. Jyotsna Roy Mukherjee,
Ms. Srijani Mukherjee.
...for the State

Mr. Pratip Mukherjee,
Mr. Sudip Basu.
...for respondent no. 10

1. The petitioner has preferred the present writ petition seeking implementation of the demolition order dated 30.09.2019 and office memo dated 13.02.2019 qua the premises no. 25A, Circus Avenue, Park Circus, P.S. Beniapukur, Kolkata 700017.

2. It is the case of the petitioner that he along with proforma respondent no. 15 (since deceased) are the joint owners of the premises in question. Respondent nos. 8 and 9, being the developers, approached the petitioner and proforma respondent no. 15 (since deceased) to construct and develop the said premises. For the purpose of the said development, respondent nos. 8 and 9 were under an obligation to obtain a valid sanctioned building

plan from the respondent-Corporation. However, they commenced construction without obtaining the consent of the owners and without securing the duly sanctioned building plan. The petitioner, therefore, raised objections and lodged a complaint before the respondent authority. Since no action was taken by the respondent authority, the petitioner preferred the writ petition being WP 1957 (w) of 2019. Vide order dated 24.04.2019, this Court directed the respondent authorities to conclude the proceedings initiated under Section 400 of the KMC Act after affording an opportunity of hearing to the petitioner and the private respondents. Pursuant thereto, the demolition order dated 30.09.2019 was passed. As no steps were taken to implement the said demolition order, the petitioner preferred the writ petition being WPA 7754 of 2020. Vide order dated 24.11.2020 the Hon'ble Single Judge of this Court disposed of the said writ petition with a direction to the respondent corporation to implement the demolition order within a period of six weeks. Being dissatisfied with the order dated 24.11.2020 the developers preferred FMA 938 of 2020. During the said proceedings it was noted that the private respondents were also in the process of filing an appeal before the Municipal Building Tribunal. By order dated 15.12.2020 the Hon'ble Division Bench of this Court disposed of the appeal with a direction to the Municipal Building

Tribunal to dispose of the said appeal as expeditiously as possible preferably within a period of four weeks from the date of its filing. The private respondent preferred an Appeal before the Municipal Building Tribunal being B. T Appeal No. 02 of 2021. Eventually, the said Appeal being B.T. Appeal No. 02 of 2021 was dismissed for default on 30.05.2023. It is submitted by the learned Counsel for the petitioner that, as of today, no appeal is pending, yet the demolition order dated 30.09.2019 has still not been implemented.

3. Learned Counsel for the respondent has handed over a report indicating that the respondent corporation has fixed a programme for removal of the unauthorized construction on 23.09.2025 and 24.09.2025 and a notice under Section 544 and 546 has been issued on 19.09.2025. Learned Counsel for the respondent submits that the respondent corporation shall abide by the said order and carry out the necessary demolition action in terms of the said order.

4. In view of the stand taken by the respondent-Corporation nothing survives in the present writ petition. Learned Counsel for the petitioner has been handed over a copy of the report and it is expected that the respondent-Corporation shall proceed with the demolition of the unauthorized construction in respect of the

premises in question as scheduled by them on 23.09.2025 and 24.09.2025.

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

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

7. There shall be no order as to costs.

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

(Gaurang Kanth, J.)