

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24182 of 2025

Amarnath Gupta
Versus
The State of West Bengal & Ors.

Mr. Habibur Rahaman
Mr. Archishman Singh
Mr. M. Rahaman
... For the petitioner.

Mr. Md. Ahsanuz Zaman
Mr. Dipankar Ghosh
... For the State.

Mr. D. Mukherjee
Mr. P. Jana
... For the KMC

Ms. Aparajita Rao
Ms. Sanwal Tibrewal
.. For the respondent no.14.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner along with his brother Dinanath Gupta had taken one property situated at 37/2 Diamond Harbour Road, , Kolkata – 700 027 (hereinafter referred to as the scheduled property) from its original owner Kamala Bala Das and Parbati Debi Gupta by executing a registered deed of lease for 99 years and since then they have been enjoying and possessing the scheduled property. There after the petitioner and his brother mutated their names in respect of the scheduled property.

3. The petitioner's main grievance is with regard to the unauthorized construction made by the private respondents on the scheduled property. The petitioner made a complaint before the authority concerned on 5th October, 2025 for stoppage of unauthorized construction and demolition of the same.

4. Learned advocate for the private respondents appearing through online submits that they have entered into an agreement for sale and already filed a suit for specific performance which is pending for disposal. The petitioner is not the owner and is also not in possession and an order passed under Section 144 is still pending.

5. Learned advocate representing Kolkata Municipal Corporation has filed a report dated 15th October, 2025 which is taken on record.

6. From the report it appears that already the department has issued a stop work under Section 401 of the KMC Act vide notice no. 2595 dated 1st October, 2025 and the same has already been communicated to the local police station.

7. Learned advocate for the State has also filed a report which is taken on record.

8. After hearing the respective parties and perusing the materials on record I am of the considered view that let respondent no.4, being the Special Officer (Building), KMC to consider the representation filed by the petitioner dated 5th October, 2025 upon giving an opportunity of hearing to the interested parties by passing a reasoned

order in accordance with law within a period of four weeks from date and shall communicate the said order to the respective parties accordingly.

9. In the meantime the KMC authorities are directed to take necessary steps forthwith to arrive at logical conclusion.

10. With the above observation and directions the writ petition stands disposed of.

11. All parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Smita Das De, J.)