

25.06.2025
Sl. No.46
Ct.3/ tkm

W.P.A. 25388 of 2024

Morsalim Molla
vs.
Kolkata Municipal Corporation & Ors.

Md. Arif Ansari
... .. for the petitioner

Mr. Srijan Nayak
Ms. G Quraishi
... .. for KMC

Mr. Suddhadev Adak
... .. for the State

1. Affidavit of service is taken on record.
2. Report filed by Kolkata Municipal Corporation is taken on record.
3. The petitioner has preferred the present writ petition, being aggrieved by the inaction of the respondent authorities in failing to take appropriate measures against the unauthorized construction alleged to have been carried out at premises no. T-140, Murry Road, under P.S. Rajabagan, Ward No. 138, at the instance of the private respondent.
4. It is the case of the petitioner that he is the co-owner of the premises in question. He alleges that an unauthorized construction in the form of multi-storied building has been carried out at the said premises in question by respondent no. 8 (one of the co-sharer of the said undivided property), without obtaining any sanctioned

building plan and without leaving any mandatory open space at the rear portion of the said construction.

5. Aggrieved by the said unauthorized activity, the petitioner submitted a representation dated 20.09.2024 to the concerned respondent authorities. However, no substantive action has been taken thereon till date.
6. Learned counsel for the respondent corporation has appeared and placed on record a report, which is taken on record. The report indicates that upon receipt of the complaint, the concerned department conducted a site inspection on 01.10.2024. During the inspection, it was found that a two-storied structure had been constructed at premises no. T-140, Murry Road, Ward No. 138, without a sanctioned building plan.
7. Based on the inspection, a D/Sketch plan along with an infringement statement were prepared, and proceedings under Section 400 of the Kolkata Municipal Corporation Act have been initiated against the private respondents alleged to have engaged in unauthorized construction.
8. In view of the report submitted, this Court directs the Kolkata Municipal Corporation (KMC) to proceed strictly in accordance with law under

Section 400 of the Kolkata Municipal Corporation Act and to conclude the said proceedings within a period of three months from the date of communication of this order, after ensuring compliance with all necessary procedural requirements as enumerated under the Kolkata Municipal Corporation Act and the Rules framed thereunder.

9. With the above direction, the present writ petition is disposed of.
10. Since no affidavit is called for, allegations made in the writ petition are deemed to have been denied.

(Gaurang Kanth, J.)