

17.11.2025
sayandeep
Sl. No. 06
Ct. No. 03

WPA 25809 of 2025

Md. Rehan
Vs.
The Kolkata Municipal Corporation & ors.

Mr. Masum Ali Sardar
Ms. Naghma Tabassum

..... for the petitioner

Mr. Biswajit Mukherjee
Ms. Gulnaz Quraishi

..... for the Kolkata Municipal Corporation

1. On 13th November, 2025, this Court had passed the following order:

2. "Citing extreme urgency this matter was mentioned in the morning. Accordingly, the matter has been listed today though on the presentation form the date of listing has been identified as 17th November, 2025.
3. Mr. Mukherjee, who usually appears on behalf of the Kolkata Municipal Corporation is present in Court, is directed to take instructions in the matter.
4. The present writ petition has been filed complaining that notwithstanding subsistence of an order of a criminal court the municipal authorities are threatening to demolish the petitioner's property situated at premises no.166/H/71/1, Keshab Chandra Sen Street, Ward No. 37, Borough-V, Kolkata.
5. No document has, however, been disclosed by the petitioner to demonstrate any notice of proposed demolition of the premises situated at 166/H/71/1, Keshab Chandra Sen Street, Kolkata – 700 009 has been served on the petitioner.
6. The petitioner has not been able to demonstrate that there is any subsisting order of injunction. The petitioner has also not been able to produce any subsisting order of stay or any notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 or any demolition order. What has been placed before this Court as is appearing at page 42 of the writ petition is an order extending a stay passed in a criminal revisional application.

7. In response to a query from Court, the learned advocate for the petitioner would submit that he shall produce the order on the next date. Accordingly, liberty should be granted to produce the order.
 8. Accordingly, let this matter stand adjourned and appear under the same heading on Monday (17.11.2025).
 9. The pendency of the above petition should not be construed as stay of any demolition order.”
10. Pursuant to the aforesaid direction, the petitioner had produced the order No. 2 dated 17th July, 2023 passed by the Court of learned Chief Judge, City Sessions Court, Calcutta in Criminal Revision No. 175 of 2023.
11. Having heard the learned advocates appearing for the respective parties and considering the materials on record, I find that challenging the conviction and sentence in terms of Section 401A/618 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the said Act) vide order dated 1st July, 2023 passed by the learned Magistrate, the above criminal revisional application was moved. It is in connection with such criminal revisional application, the learned Court while admitting such application had stayed the operation of the order dated 1st July, 2023. This order was extended from time to time and is subsisting.
12. As would appear from the provisions of Section 401A/618 of the said Act, the same pertains to construction of building in contravention of the provisions of the said Act and Rules which provides

that an action taken to carry out construction in contravention of the Rules as morefully provided therein would be punishable and would attract imprisonment of a terms which may extend up to 5 years. Following the issuance of the above notice, the petitioner has been convicted. It is in connection with the aforesaid proceedings, the stay of sentence has been passed which has been continued. The same has nothing to do with the illegal construction. There is no subsisting order staying demolition of illegal construction.

13. Accordingly, the writ petition is dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)