

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/28/2025
WITH WPO/119/2025
IA NO:GA/1/2025
MD. HAMMAD ANSARI
-VS-
THE MUNICIPAL COMMISSIONER AND ORS.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
And
The Hon'ble JUSTICE AJAY KUMAR GUPTA
Date: July 3, 2025.

Mr. Farooque Ali, Adv.; Mr. S. Raja, Adv., appear.
Mr. A.K. Ghosh, Adv.; Mr. S.K. Debnath, Adv., appear.
Mr. Sakya Sen, Sr. Adv.; Shital Sunwar, Adv., appear.
Ms. T. Samanta, Adv., appears.

1. The Court: Challenge in the instant appeal is made to an order dated March 12, 2025, passed by a Single Bench of this Court.
2. The appellant/writ petitioner is aggrieved that the landlord/private respondent obtained the sanctioned plan to construct a new building in place and stead of an existing building without his consent as an existing tenant thereat.

3. He further submits, by referring to rule 142 sub-rule (3) of the KMC Building Rules, that the landlord has obtained additional FAR to accommodate all the existing tenants in the building including the appellant without his consent.
4. It is further submitted that in course of proceedings before the KMC with regard to the sanctioned plan in question, the appellant discovered that his signature has been forged. He made a representation to the Municipal Commissioner in this regard.
5. Mr. Sen, learned senior counsel appearing for the landlord/private respondent, submits that the appellant has given consent and it is essentially on that basis that the sanctioned plan with additional FAR to accommodate all tenants including the appellant has been obtained from the KMC.
6. It is further submitted that all other tenants have vacated the said premises and the appellant is adamant not to vacate the said premises.
7. This Court notes that the appellant is admittedly a tenant in the said premises. In view of the submission that his signature has been forged in the documents by the landlord before the KMC, it appears that the appellant has not given consent to the landlord to either procure a sanctioned plan or obtain order of demolition of the existing structure.
8. Be that as it may, the Municipal Commissioner or his designate shall consider the representation of the appellant dated May 8, 2025 within a period of six weeks on receipt of a copy of this order and pass appropriate orders in accordance with law in accordance with the KMC Act and the Building Rules.

9. It is made clear that the Municipal Commissioner and/or his designate shall arrive at any finding on the appellant's representation independent of any observation of this Court.
10. With the aforesaid observations, the appeal along with the connected application stands disposed of.

(RAJASEKHAR MANTHA, J.)

(AJAY KUMAR GUPTA, J.)

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