

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/314/2025

MD IFTEKHARUL ISLAM MONDAL
VS
KOLKATA MUNICIPAL
CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH
Date : 17th July, 2025.

Appearance

Mr. Indrajit Bhattacharjee, Adv.
Mr. Sudip Naskar, Adv.
... for the petitioner.

Mr. Gopal Chandra Das, Adv.
Ms. Ananya Das, Adv.
... for the KMC.

Ms. Sipra Majumdar, Adv.
Ms. Somashree Dey, Adv.
... for respondent no.4.

The Court: The petitioners have preferred the present writ petition being aggrieved by the inaction on the part of the respondent/Municipality in failing to take appropriate steps to stop or demolish the alleged unauthorized construction being carried out at T-157, Murry Road, P.S. Rajabagan, Kolkata-700018.

Upon perusal of the records, it is evident that the petitioner had previously instituted a writ petition, being WPA No. 7958 of 2023, raising an identical grievance regarding unauthorized construction carried out at the same premises. In the said writ petition, this Court had occasion to pass an order dated 24th November, 2023, wherein it was recorded that partial demolition

of the unauthorized structure had already been effected by the concerned municipal authorities. However, considering that the lower two floors of the building were still under occupation by certain residents, this Court had directed that the demolition of the remaining portion shall be undertaken only after the said occupants vacated the premises. It is not in dispute that WPA No. 7958 of 2023 is still pending and has not yet been finally adjudicated.

In the considered opinion of this Court, the reliefs sought in the present writ petition are founded on the same factual matrix and are substantially similar to those already agitated in WPA No. 7958 of 2023. The cause of action, subject matter of challenge, and the reliefs prayed for in both writ petitions are inextricably linked and arise out of the same set of circumstances. Entertaining the present writ petition would, therefore, not only result in a multiplicity of proceedings but may also lead to conflicting orders on the same issue.

It is well settled that the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India is discretionary in nature, and such discretion ought not to be exercised in a manner that encourages parallel litigation on the same cause of action.

In light of the foregoing, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India in the present matter, especially when the grievance raised by the petitioner is already the subject

of adjudication in WPA No. 7958 of 2023. Accordingly, the writ petition stands dismissed with costs of Rs.5,000/-.

(GAURANG KANTH, J.)

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