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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/368/2025
RATAN LAL GUPTA
VS
THE MUNICIPAL COMMISSIONER AND ORS.

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: 7TH AUGUST, 2025.

Appearance :
Mr. Shubham Gupta, Adv.
Mr. Raunak Shaw, Adv.
Mr. Pratyusha Mukherjee, Adv.
Mr. Rajsekhar Bal Bakshi, Adv.
...for petitioner

Mr. Gopal Ch. Das, Adv.
Ms. Susmita Chatterjee, Adv.
...for KMC

The Court: - The petitioner has preferred the present writ petition alleging inaction on the part of the respondent/Corporation in failing to take appropriate steps to stop the alleged unauthorised and illegal construction being carried out at Premises No. 136, Rabindra Sarani, P.S. Jorasanko, Kolkata 700007.

The Petitioner is the lawful tenant of the shop room situated at the ground floor of the above mentioned premises.

There was a common bath room at the ground floor of the said premises. The private respondent demolished the said common bath room, stair case and converted it as a shop and a rolling shutter have also been installed there illegally without taking any permission and/ or sanction from the concerned respondent authorities. The private respondent also shifted the electric meter and made it inaccessible to the Petitioner.

Learned Counsel for the respondent/Corporation has handed over a copy of the instruction wherein it is stated that 'work stop notice' under Section 401 of KMC Act, 1980 was issued on 15th May, 2025 and intimation to the local police station was sent on 17th May, 2025. The instruction further reads that the infringement statement and D/sketch has been prepared and placed before the higher authority for further process under suitable Section of 400 of KMC Act on 26th May, 2025. Now as per the order of the D.G (Building), dated 18th June, 2025, the case is currently under process in terms of the Section 400(1) of the KMC Act, 1980.

In view of the aforesaid submissions, nothing survives in the present writ petition as the grievance of the petitioner vis-à-vis that no action has been taken by the respondent for demolition of illegal and unauthorised construction stands addressed. The

Corporation is directed to complete the process initiated under Section 401 of the KMC Act within eight weeks in accordance with law.

Learned Counsel for the private respondents submits that they have not received any such notice and further prays that they should be afforded an opportunity of hearing before the respondent corporation passes the final order of demolition, in the event it is found that the said construction is illegal and unauthorised, has been raised without any sanction plan. It is expected that the Corporation shall grant both the petitioner as well as the private respondent an opportunity of hearing before passing any demolition order, strictly in accordance with law.

With the above direction the present writ petition is disposed of.

(GAURANG KANTH, J.)

GH.